

# CITY COUNCIL PROCEEDINGS

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## MINUTES OF THE MEETING OF THE CITY COUNCIL

Wichita, Kansas, October 17, 2000  
Tuesday, 9:05 A.M.

The City Council met in regular session with Mayor Knight in the Chair. Council Members Cole, Gale, Lambke, Martz, Pisciotte, Rogers; present.

Chris Cherches, City Manager; Gary Rebenstorf, Director of Law; Pat Burnett, City Clerk; present.

Charles Carney, Peace and Social Justice Center, gave the invocation.

The pledge of allegiance to the flag was participated in by the Council Members, staff, and guests.

Minutes -- approved      The minutes of the regular meeting of October 3, 2000, were approved 7 to 0.

## AWARDS AND PRESENTATIONS

PRIDE OF THE CITY      Music Theatre - Pride of the City Award. was presented.

PROCLAMATIONS      Proclamations previously approved were presented.

RECOGNITION      Public Improvement Awards were presented for the Kellogg/Oliver section of the Kellogg Freeway, Douglas Street Bridge, and Exploration Place projects.

## UNFINISHED BUSINESS

(This Item was taken up later in the meeting; action is shown in Agenda order.)

## GATE INSTALLATION GATE AT ZIMMERLY AND DALTON. (District II)

Mike Lindebak      City Engineer reviewed the Item.

Agenda Report No. 99-002 A.

In 1973, the Quail Meadows subdivision plat was approved by the Metropolitan Area Planning Commission, subject to extending Zimmerly west into the subdivision. Complaints from the residents living on Zimmerly near Dalton arose as Quail Meadows developed in the mid-1970's. An October 1977, traffic counts showed 890 vehicles/day west of Dalton; approximately a year later traffic volumes climbed to 1,859 vehicles/day (September 1978). In 1978, the Traffic Commission and CPO held public meetings and voted in favor of the closure. The City Council approved the closure in October 1978 (by a vote of 4-0) and the gate was installed in November 1978. At that time Zimmerly was only built to half-width west of Dalton.

The issue arose again in 1985 when Harry between Rock and Webb was reconstructed. The City Council voted to support the temporary reopening of the gate based on the Wichita Fire Department's request to improve access to the area during construction. However, when the matter came before the Traffic Commission, it voted 6-1 to leave the gate closed.

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A request was received in 1998, again to remove the gate and open the street to traffic. With additional accesses out of the neighborhood and construction of Zimmerly to full width, residents felt that the roadway could be safely reopened. Two Petitions were received; one with 123 signatures in favor of the removal of the gate; and the second with 45 signatures in favor of keeping the gate closed. CPO #2 held a public meeting in November 1998 and voted 5-3 to leave the gate closed. The Traffic Commission held a public meeting in December 1998. It's discussions centered on public streets being for public use and the fact that there was no evidence that the road would be used by motorists from outside the neighborhood. The Traffic Commission voted 6-0 in favor of removing the gate. The City Council moved that the gate be opened for one-year and have staff do periodic traffic counts and speed studies. Following an evaluation period, the item would returned to the City Council for a decision whether the gate should remain open or be closed. [Staff has provided periodic reports containing the traffic volumes and the results of the speed zone surveys for the following months in 1999: January, February, March, April, June, September, and December.

District II Advisory Board held a neighborhood meeting on October 2, 2000, to discuss the possibility of re-installing the gate. The DAB board voted 7-1 to re-install the gate after hearing from a small group of residents in the neighborhood in support of the closure.

The traffic reports provided to the City Council reflected a steady increase in traffic throughout the neighborhood until September, 1999. The difference in counts taken in September and December indicated that traffic volumes in the area appeared to be stabilizing. A recent count on Zimmerly (east of Dalton) shows approximately 1600 vehicles per day, most of which is contributed to local traffic. The considerable amount of commercial development near the intersection of Harry and Webb (Dillons, McDonalds, Quik Trip, etc.) should be considered in determining whether or not to re-install the gate. The development that has occurred in the area lends itself to serving the adjacent neighborhoods, including the area west of where the gate was previously installed.

Speed zone surveys indicate that removing the gate had little impact on the speed along Zimmerly at Wicker (Jan. 1999 – 36.48 mph and Dec. 1999 – 35.85 mph).

It is estimated that it would cost \$2,000 to re-install the gate. If a more permanent option is recommended, curb and gutter could be installed on both ends and the area could be landscaped. It is estimated this option would cost \$12,500. Public Works Operating Budget would fund both of these options.

One speaker reflecting each viewpoint was asked to address the Council.

Mary Pat Hall

Mary Pat Hall, Burris and Zimmerly, said a huge number of people are now using the opened street; many are from Webb Road going to Rock Road. There are 22 school buses that use the street. There are several children on the street but few ride school bus number 623. The buses zoom through. Semi-trailer trucks have also been using the street. Speed and traffic signs cannot be manned 24-hours/day. The gate provides some control.

Ken Stuerke

Ken Stuerke, explained that the barrier was installed when Zimmerly was only one-lane. After the paving was completed, residents on Burris Street desired maintenance of the gate. The gate is an inconvenience for many and a convenience for few.

Mr. Stuerke presented a petition with 345 signatures of citizens who would like to keep Zimmerly open.

Council Member Pisciotte

Council Member Pisciotte said the issue is about how the community can come together and focus on shared values more than on differences. All to frequently, the City Council is asked to impose one group's will on another group.

The City Council is going to engage in "citizen-based politics" rather than regular politics, in an effort to arrive at a consensus.

"We know full-well that all of us, everybody up here as well as everybody in the chamber, and everybody that lives in this community, is concerned about their security, their safety, their quality of life for life; and we want to do everything we can to help bring that about.

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"I am going to ask you to think in terms of civility, as you go through this, as neighbors in a community, as you go through this process. Civility, as I have defined it, is respect for others – their ideas and their values, and the sacrifices we are willing to work for the sake of living together as a community.

"I am going to ask you to think about such values and principles as the greatest good for the greatest number. Contrary to that, perhaps, is the application of respect of the rights of individuals involved. We know the numbers. We know how many and can count the petitions, but that doesn't mean that we need to set aside or should we set aside respect for the individuals who have a unique set of circumstances that need to be acknowledged by this Governing Body and their neighbors.

"I would also ask that you consider such concepts and values as fairness, equity, and, to the extent possible, impartiality.

"What I am going to ask that we do in this process, is make good use of our District Advisory Board; but, more importantly, I am going to ask that we make good use of neighbors. Who knows better what is best for that neighborhood than you do?

"Mrs. Hull, we have been, the Council's District Advisory Board Members, we have been to that area. We know the arduousness of what you are putting up with; but we also know the important concerns of your neighbors."

Citizens in attendance at the City Council meeting were asked to move to and reconvene, with District Advisory Board and Staff representation, in the Board Room of City Hall to start community dialogue and to pick a date to reconvene a "community-based orientation." Various City Staff will be asked to talk about traffic, traffic counts, speeding, stop signs, emergency vehicles, and all other things that need to be on the table. All matters should be presented on an equitable basis so everyone is operating on the same page. Community Police officers are also asked to engage in the process. Mr. Mike Pompeo, District Advisory Board II, will chair the process.

The neighborhood is being asked to return to the City Council with a solution that will work on a permanent basis. Consideration will have to be given to those things of immediate and long-term nature.

The School District/School Board will also be asked to engage in the dialogue so the number of school buses going through the neighborhood can be discussed.

Motion --

-- carried

Pisciotte moved that the Item be deferred one month; the neighborhood meet in partnership with the District Advisory Board and City Staff, and a solution that will work for all citizens be returned to the City Council. Motion carried 7 to 0.

Council Member Rogers left the Bench.

(Council Member Rogers present)

## NEW BUSINESS

**SANITARY SEWER**

**PETITION FOR SANITARY SEWER TO SERVE FAWNWOOD ADDITION AND TWO UNPLATTED TRACTS, WEST OF 135TH STREET WEST, NORTH OF KELLOGG.**  
(District V)

Mike Lindebak

City Engineer reviewed the Item.

Agenda Report No. 00-0997.

The signature on the Petition represents one of two (50%) resident owners and 89.6% of the improvement district area. District V Advisory Board considered the Petition on October 2, 2000. The

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Board voted 8-1 to recommend approval with the stipulation that it be assessed on a square foot basis rather than the fractional basis specified by the Petition.

The proposed sanitary sewer will serve two existing structures and a new residential/commercial development.

The estimated project cost is \$52,500 with the total assessed to the improvement district. The method of assessment contained in the Petition is the fractional basis. The estimated assessment to each lot or tract is \$8,700. Using the square foot method of assessment would reduce the non-signer's estimated assessment to \$5,400.

State Statutes provide that a Petition is valid if signed by a majority of resident property owners, or by the owners of the majority of the property in the improvement district. The City Council has the authority to determine the method of assessment.

Mayor Knight

Mayor Knight inquired if anyone wished to be heard and no one appeared.

Motion --  
-- carried

Martz moved that the Petition and square foot method of assessment be approved; and the Resolution be adopted. Motion carried 7 to 0.

## RESOLUTION NO. R-00-356

Resolution of findings of advisability and Resolution authorizing construction of Lateral 25, Cowskin Interceptor Sewer, (west of 135<sup>th</sup> Street West, north of Kellogg), 468-83174, in the City of Wichita, Kansas, pursuant to findings of advisability made by the Governing Body of the City of Wichita, Kansas, presented. Martz moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Cole, Gale, Lambke, Martz, Pisciotte, Rogers, Knight.

## GREAT PLAINS

### **TAX EXEMPTION REQUEST – GREAT PLAINS VENTURES, INC., AND GREAT PLAINS INDUSTRIES, INC.** (District I)

Gary Rebenstorf

Director of Law reviewed the Item.

Agenda Report No. 00-0998.

On January 24, 1995, the City Council approved an Economic Development Tax Exemption for Great Plains Ventures, Inc., ("Great Plains"), parent company to Great Plains Industries, Inc. (located at 3625 North Oliver). The tax exemption was for a \$4,000,000 expansion project consisting of the construction of a 178,000 square feet manufacturing/ warehouse and office complex facility to be leased to Great Plains Industries. To respond to an objection from BOTA, the City Council, on June 6, 2000 held a new public hearing, based on an updated cost-benefit analysis.

On July 21, 2000, the City and Great Plains received a preliminary order from the Kansas Board of Tax Appeals ("BOTA") identifying a deficiency in the application for a BOTA exemption order and providing a 30-day time frame to cure the deficiency. The City and Great Plains have requested and received an extension until November 3, 2000, to respond to BOTA. To effectuate the remedy, the City Council must hold a new public hearing and adopt a new ordinance approving the original tax exemption plus an additional exemption for a piece of equipment owned by Great Plains Industries, Inc.

BOTA has determined that the subject property does not qualify for an exemption pursuant to Article 11, Section 13 of the Kansas Constitution, due to the fact that Great Plains Industries leases the property from its parent company, Great Plains Ventures. In order to qualify for an exemption, the project must satisfy certain additional statutory requirements, namely that the leased property be integrally used along with non-leased property that is also exempted. This requirement was not satisfied in the original application submitted to BOTA.

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BOTA's preliminary order is intended to give the City and Great Plains the opportunity to correct this procedural deficiency. To this end, Great Plains Industries requests a tax exemption for a high-pressure parts washer that was purchased as part of the 1996 expansion, at a cost of \$4,019.

BOTA requests that the applicant and/or the City of Wichita provide the following information or complete the following procedures:

- a. Prepare a new cost-benefit analysis that takes into account the exemption for non-leased property.
- b. Conduct a public hearing following publication of Notice in the official city newspaper and Written notice provided to the Board of County Commissioners and the Board of Education.
- c. Pass a new ordinance that exempts both the leased and non-leased property, which makes the factual determination that the property will be used exclusively for exempt purposes.

## TAX EXEMPTION ELIGIBILITY

| <u>ELIGIBLE %</u>      | <u>INCENTIVE</u>   | <u>EXPLANATION</u>  |
|------------------------|--|---|
| 40<br>80 employees.    | <u>New Job Creation:</u>   | Great Plains hired an additional  |
| 36                     | <u>Capital Improvements:</u>   | Great Plains invested approximately \$4,004,019 in the construction of additional real and personal property. |
| 0<br>area eligible for | <u>Location Premium:</u>   | Great Plains is not located in an<br><br>this incentive.  |
| 76.0                   | Total Business Incentives  |   |
| 50                     | TOTAL ELIGIBLE FOR BUSINESS INCENTIVES (Maximum allowed is 50 percent) |   |
| 47.2<br>out            | Export Premium   | Great Plains exports 94.4 percent of its products<br><br>of the State of Kansas.                              |
| 47.2                   | TOTAL ELIGIBLE FOR EXPORT PREMIUM (Maximum allowed is 50 percent)      |   |
| 97.2                   | TOTAL EXEMPTION ALLOWED UNDER BUSINESS INCENTIVE POLICY                |   |

A new cost-benefit analysis has been performed by W.S.U. using the BOTA-approved software. The following ratios of benefits-to-costs are reported:

|                 |              |
|-----------------|--------------|
| City of Wichita | 2.94 to one  |
| Sedgwick County | 2.44 to one  |
| U.S.D. 259      | 1.11 to one  |
| State of Kansas | 17.13 to one |

The estimated first year taxes on Great Plains' proposed \$4,004,019 expansion would be \$113,420, based on the 1994 mill levy. Using the allowable tax exemption of 97.2 percent, the City would be exempting (for the first year) \$110,338 of new taxes from the real and personal property tax rolls.

The tax exemption would be shared among the taxing entities as follows: City - \$30,439; County/State - \$28,817; and USD259 - \$51,082. The policy exemption equates to \$1,378 of exempted taxes per each new job (80 new jobs) per year for the first five years and \$689 per year for the second five years.

The City Attorney's Office will review and approve the documents as to form prior to final adoption of the Ordinance. A notice of public hearing has been published and notice letters mailed to the Board of County Commissions and U.S.D. 259 Board of Education.

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Mayor Knight

Mayor Knight inquired if anyone wished to be heard and no one appeared.

Motion --

Rogers moved that the public hearing be closed; the tax exemption in accordance with the City's Business Incentive Policy be approved; and the Ordinance be placed on first reading. Motion carried 7 to 0.

-- carried

## ORDINANCE

An Ordinance exempting property from Ad Valorem Taxation for economic development purposes pursuant to Article 11, Section 13, of the Kansas Constitution; providing the terms and conditions for Ad Valorem Tax Exemption; describing the property of Great Plains Ventures, Inc., so exempted; and repealing Ordinance #42-603, introduced and under the rules laid over.

**HISTORIC PRES.**

**HPC 2000-120: APPEAL OF DENIAL OF CERTIFICATE OF APPROPRIATENESS APPLICATION TO INSTALL STEEL SIDING TO 1750 NORTH FAIRVIEW AND HPC 2000-109: APPEAL OF DENIAL OF CERTIFICATE OF APPROPRIATENESS APPLICATION TO INSTALL VINYL SIDING TO 1757 NORTH FAIRVIEW.** (District VI)

Marvin Krout

Director of Planning reviewed the Items.

Agenda Report No. 00-1000.

HPB Recommendation: Denied the application.

Staff Recommendation: Deny the application.

At the September 11, 2000 regularly scheduled Historic Preservation Board meeting, Certificate of Appropriateness HPC2000-00120, requesting approval for the installation of steel siding on a home located at 1750 N. Fairview was considered. The board voted unanimously to deny the Certificate of Appropriateness. The home is a contributing structure in the Park Place/Fairview Historic District. The applicants are seeking to install the steel siding on the entire structure because they claim it will require less maintenance and will not cost as much to scrape, prime and paint the existing wood siding.

The Historic Preservation Board has a long standing policy of not approving Certificates of Appropriateness for any type of artificial siding to be applied to contributing structures in the historic districts or individually listed properties unless extensive damage to original building material can be documented. The board has not approved any applications for the installation of steel siding within the historic districts.

The HPB bases this policy on (1) the Secretary of the Interior's Standards for Rehabilitation & Illustrated Guidelines for Rehabilitating Historic Buildings (Reprinted 1997) and the Secretary of the Interiors Standards for the Treatment of Historic Properties with Guidelines for Preserving, Rehabilitating, Restoring & Reconstructing Historic Buildings (1995); Preservation Brief #8 – Aluminum and Vinyl Siding on Historic Buildings: The Appropriateness of Substitute Materials for Resurfacing Historic Wood Frame Buildings by John H. Myers, revised by Gary L. Hume in 1984; Design Review Guidelines for the Topeka/Emporia, North Topeka/10th Street, Park Place/Fairview, and Bitting Historic Districts, adopted by HPB in 1995.

Staff provided information during the discussion at the board meeting regarding the interpretation of Preservation Brief #8. There is no type of siding that is maintenance free. The applicant did not provide any specific documentation of the deterioration of the existing siding or written cost estimates for repair to the existing wood siding material.

There is architectural detailing in the window framing and door surrounds. The applicant and contractor did indicate the steel siding would build out to maintain those profiles.

The City of Wichita Code of Ordinances 2.12.1020 (c) specifies that "The board shall administer certificates of appropriateness review according to specified guidelines to determine whether to grant or deny approval of proposed undertakings. Design criteria shall be either: (1) The "Secretary of Interior's

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Standards for Rehabilitation and guidelines for Rehabilitating Historic Buildings” or (2) Specifically adopted district or property type guidelines based on criteria of the “Secretary of Interior’s Standards.”

Agenda Report No. 00-1001.

HPB Recommendation: Denied the Application.

Staff Recommendation: Deny the Application.

At the September 11 2000, regularly scheduled Historic Preservation Board meeting, Certificate of Appropriateness HPC2000-00109 requesting approval for the installation of vinyl siding on a home located at 1757 N. Fairview, was considered. The board voted five for and one against to deny the Certificate of Appropriateness. The home is a contributing structure in the Park Place/Fairview Historic District. The applicants are seeking to install the vinyl siding on the entire structure because they claim it will require less maintenance and will not cost as much to scrape, prime and paint the existing wood siding.

The Historic Preservation Board has a long standing policy of not approving Certificates of Appropriateness for any type of artificial siding to be applied to contributing structures in the historic districts or individually listed properties unless extensive damage to original building material can be documented. The board has not approved any applications for the installation of vinyl siding within the historic districts.

The HPB bases this policy on (1) the Secretary of the Interior’s Standards for Rehabilitation & Illustrated Guidelines for Rehabilitating Historic Buildings (Reprinted 1997) and the Secretary of the Interiors Standards for the Treatment of Historic Properties with Guidelines for Preserving, Rehabilitating, Restoring & Reconstructing Historic Buildings (1995); Preservation Brief #8 – Aluminum and Vinyl Siding on Historic Buildings: The Appropriateness of Substitute Materials for Resurfacing Historic Wood Frame Buildings by John H. Myers, revised by Gary L. Hume in 1984; Design Review Guidelines for the Topeka/Emporia, North Topeka/10th Street, Park Place/Fairview, and Bitting Historic Districts, adopted by HPB in 1995.

Staff provided information during the discussion at the board meeting regarding the interpretation of Preservation Brief #8. Vinyl or aluminum siding may appear to reduce exterior maintenance, however, it is not maintenance free. Vinyl siding expands and contracts with temperature variations and can actually melt and crack. In some instances the vinyl siding fades and must be painted.

Applicant also cited unpublished case law from the Arkansas Chancery Court of Sebastian County that has become the mantra of vinyl siding proponents – Paul Tilley vs. Historic District Commission of Ft. Smith, Arkansas as justification. This case was decided in favor of the plaintiff based on findings of economic hardship. In the case of 1757 North Fairview, the applicant did not provide documentation regarding specific documentation of the deterioration of the existing siding or written cost estimates for repair to the existing wood siding material. He did mention a dollar figure but did not provide a written bid estimate.

This structure is plain and has no significant architectural detailing. The profiling of the window frames and doors would be lost, giving the structure a flat or one-dimensional appearance.

The City of Wichita Code of Ordinances 2.12.1020 (c) specifies that “The board shall administer certificates of appropriateness review according to specified guidelines to determine whether to grant or deny approval of proposed undertakings. Design criteria shall be either: (1) The “Secretary of Interior’s Standards for Rehabilitation and guidelines for Rehabilitating Historic Buildings” or (2) Specifically adopted district or property type guidelines based on criteria of the “Secretary of Interior’s Standards.”

Mayor Knight

Mayor Knight inquired if anyone wished to be heard.

Jeff Hunt

Jeff Hunt, All Seasons Construction Company, said his product looks exactly like the original and the scrollwork would be left in place. Mr. Hunt cited a court case, “Paul Tilley vs. Historic Preservation District.”

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Mr. Hunt said the use of regular wood siding would be cost prohibitive.

Lee Scott

Lee Scott, property owner, said the two-year old paint was already peeling. The vinyl siding would provide an incredible savings. Four homes around the immediate area have already been vinyl or metal sided.

Brian/ABC Vinyl

Brian, with ABC Vinyl Siding, said his product is a solid product with no laps and no cracks. The product looks exactly like wood.

Greg Kite

Greg Kite, Historic Preservation Alliance President, spoke in support of the Historic Preservation Board decision to deny use of the vinyl/steel siding. Mr. Kite said the property owners had made a decision to live in an historic area.

Mr. Kite also said the case cited by Mr. Hunt was an unpublished decision. Other cases have been upheld in denial of vinyl siding.

The HPA is willing to assist in grant writing to assist in repair or replacement of siding on homes.

Council Member Cole

Council Member Cole said many homes in the District have been restored to original condition and the only protection to homeowners is the Historic Preservation Standards. The standard being appealed is one of the most important standards.

Council Member Cole said the siding on these houses is in reasonably good condition. A better quality of paint preparation is needed. Vinyl/steel siding can mask the condition of original siding.

Council Member Lambke

Council Member Lambke said some weather conditions will affect how long paint lasts. It is disturbing that homeowners cannot do as they wish with their property. The vinyl/steel siding would not change the appearance of the property. Council Member Lambke said he would be opposed if the property owners cannot receive a grant to make up the cost difference and have to pay for the entire project.

Motion --  
-- carried

Cole moved that the Council concur with the decision of the Historic Preservation Board and deny the appeal. Motion carried 6 to 1. Lambke – No.

(The City Council returned to Item Number 1; action is shown in Agenda Order.)

RECESS

The City Council recessed at 10:50 a.m. and returned at 11:03 a.m. Council Member Cole absent.

## CONDEMNATIONS

### **REPAIR OR REMOVAL OF DANGEROUS AND UNSAFE STRUCTURE – 1934 SOUTH ST. CLAIR.** (District IV)

Agenda Report No. 00-1002.

On August 22, 2000 a report was submitted with respect to the dangerous and unsafe conditions on one (1) property. The Council adopted a resolution providing for a public hearing to be held on this condemnation action at 11:00 a.m. on October 17, 2000.

On August 7, 2000, the Board of Code Standards and Appeals (BCSA) held a hearing on the following property:

Property Address  
1934 South St. Clair

Council District  
IV

Pursuant to State Statute the Resolutions were duly published twice on August 23, 2000 and August 30, 2000. A copy of each resolution was sent by certified mail or given personal service delivery to the owners and lien holders of record of each described property.



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Mayor Knight

Mayor Knight inquired if anyone wished to be heard and no one appeared.

Motion --

Gale moved that the public hearing be closed, the resolution declaring the building(s) dangerous and unsafe structures be adopted, the staff recommended time frame to alleviate the findings be approved and any extensions of time granted to repair the structures would be conditioned on the following: (1) any back taxes now due are to be paid and taxes kept current, (2) the structures are to be kept secured, and (3) the premises are to be kept mowed and free of debris; if any of these conditions are not met, staff is directed to proceed to let for bids to demolish the structure; and the City Clerk be instructed to have the Resolution published once in the official City paper and advise the owners of these findings. Motion carried 6 to 0. (Cole, absent)

-- carried

## RESOLUTION NO. R-00-357

A Resolution finding that the structure located on Lots 29 and 31, Block N, St Clair Avenue, South University Place Addition to Wichita, Sedgwick County, Kansas, commonly known as 1934 South St. Clair, Wichita, Kansas, is unsafe or dangerous and directing the structure(s) to be made safe and secure or removed, read. Gale moved that the Resolution be adopted. Motion carried 6 to 0. Yeas: Gale, Lambke, Martz, Pisciotte, Rogers, Knight. (Cole, absent)

(Council Member Cole present; Council Member Gale left the bench)

## IMPROVEMENTS

### **PROPOSED ASSESSMENTS FOR TWENTY-SEVEN (27) PAVING, TWENTY-THREE (23) WATER, FIFTEEN (15) SEWER, AND THREE (3) STORM SEWER PROJECTS IN BOND SALE SERIES 764 FOR FEBRUARY 2001.**

Mike Lindebak

City Engineer reviewed the Item.

Agenda Report No.00-0999.

The Council was notified September 12, 2000, for paving projects and September 19, 2000, for water, sewer and storm water sewer projects that the proposed assessment rolls were on file for public inspection in the Debt Management Office of the Department of Finance.

Notice of hearing was published September 15, 2000, for paving projects, and September 22, 2000, for water and sewer projects, being not less than ten days prior to the date of hearing. Property owners have been notified in writing. City personnel held informal hearings October 2, 2000, on paving projects and October 9, 2000, on water and sewer projects.

Statement of Special Assessment will be mailed to the property owners on paving, water and sewer projects October 27, 2000. The property owners have 30 days from the date of statement to pay their assessment and avoid paying interest. The assessments not paid during this period will be in the February 2001 Bond Sale Series 764 and put on the 2001 tax roll over a 15 year spread at the interest rate for which the bonds sell.

These projects were initiated pursuant to provisions of K.S.A. 12-6a01 et seq. All were 100% petitions: with the following exceptions:

### **PAVING PROJECTS:**

|                       |       |                                      |
|-----------------------|-------|--------------------------------------|
| 472-82569 & 472-83201 | 52.7% | Petition – Lark Lane                 |
| 472-82978             | 57%   | Petition - Second Street             |
| 472-82979             | 56%   | Petition - Third Street              |
| 472-82980             | 51%   | Petition - Lockwood                  |
| 472-82981             | 86%   | Petition - Custer                    |
| 472-82982             | 52%   | Petition - 27th Street South, Custer |
| 472-82995             | 61%   | Petition - Maywood                   |
| 472-83020             | 67%   | Petition - 32nd Street North         |

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|-----------|-------|------------------------------|
| 472-83066 | 80.3% | Petition - Hoover            |
| 472-83082 | 89.5% | Petition - 19th Street North |
| 472-83099 | 60%   | Petition - 27th Street South |

On September 19, 2000, the Council was notified that the proposed assessment rolls for construction of the following water and sewer projects had been prepared and were on file in the office of Debt Management in the Finance Department for public inspection:

## WATER PROJECTS:

- a) (470- 618/734948/448-88693) - Construction of Water Distribution System No. 448-88693 to serve Wheatland Addition - south of MacArthur, west of Hoover, as authorized by Resolution No. R-93-169 adopted April 6, 1993, and published April 9, 1993. Petition for this improvement was signed by owners representing 100 percent of the property ownership. The Statement of Cost approved July 18, 2000, in the amount of \$22,000.00 is to be apportioned 100 percent to the improvement district. The cost has been assessed on a fractional basis.
- b) (470-604/734934/448-88749) - Construction of Water Distribution System No. 448-88749 to serve Wilderness at the Park Addition - south of Pawnee, east of Maize Road, as authorized by Resolution No. R-99-204 adopted June 8, 1999, and published June 11, 1999. Petition for this improvement was signed by owners representing 100 percent of the property ownership. The Statement of Cost approved July 18, 2000, in the amount of \$19,564.00 is to be apportioned 100 percent to the improvement district. The cost has been assessed on a square foot basis.
- c) (470-612/734942/448-88982) - Construction of Water Distribution System No. 448-88982 to serve Hickory Creek Estates Addition, south of 13th Street, west of 119th Street West, as authorized by Resolution No. R-96-019 adopted January 23, 1996, published January 26, 1996; rescinded by Resolution No. R-99-410 adopted October 19, 1999, and published October 22, 1999. Petition for this improvement was signed by owners representing 100 percent of the property ownership. The Statement of Cost approved July 18, 2000, in the amount of \$62,658.00 is to be apportioned 100 percent to the improvement district. The cost has been assessed on a fractional basis.
- d) (470-591/734921/448-89023) - Construction of Water Distribution System No. 448-89023 to serve Balthrop Addition and an Unplatted Tract of Land, north of Central, east of Greenwich Road, as authorized by Resolution No. R-96-101 adopted March 19, 1996, and published March 25, 1996. Petition for this improvement was signed by owners representing 100 percent of the property ownership. The Statement of Cost approved July 18, 2000, in the amount of \$40,558.00 is to be apportioned 100 percent to the improvement district. The cost has been assessed on a fractional basis.
- e) (470- 622/734952/448-89150) - Construction of Water Distribution System No. 448-89150 to serve Maple Dunes Addition - north of Maple, east of 135th Street West, as authorized by Resolution No. R-97-210 adopted July 1, 1997, and published July 7, 1997. Petition for this improvement was signed by owners representing 100 percent of the property ownership. The Statement of Cost approved July 18, 2000, in the amount of \$9,507.00 is to be apportioned 100 percent to the improvement district. The cost has been assessed on a fractional basis.
- f) (470-616/734946/448-89154) - Construction of Water Distribution System No. 448-89154 to serve Oak Ridge Second Addition, north of 29th Street North, east of Tyler Road, as authorized by Resolution No. R-97-254 adopted July 15, 1997, and published July 18, 1997. Petition for this improvement was signed by owners representing 100 percent of the property ownership. The Statement of Cost approved July 18, 2000, in the amount of \$21,083.00 is to be apportioned 100 percent to the improvement district. The cost has been assessed on a fractional basis.
- g) (470-485/734079/448-89171) - Construction of Water Distribution System No. 448-89171 to serve Hybritech Wheat Addition, east of Meridian, north of 53rd Street North, as authorized by Resolution No. R-97-266 adopted July 22, 1997, and published July 25, 1997. Petition for this improvement was signed by owners representing 100 percent of the property ownership. The Statement of Cost approved July 18, 2000, in the amount of \$5,865.00 is to be apportioned 100 percent to the improvement district. The cost has been assessed on a square foot basis.

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- h) (470-590/734920/448-89173) - Construction of Water Distribution System No. 448-89173 to serve Dillons Twelfth Addition and Unplatted Tracts No. 1, 2 and 3, north of 13th, east of Greenwich Road, as authorized by Resolution No. R-97-246 adopted July 15, 1997, and published July 18, 1997. Petition for this improvement was signed by owners representing 100 percent of the property ownership. The Statement of Cost approved July 18, 2000, in the amount of \$233,375.00 is to be apportioned 50 percent to the improvement district, and 50 percent payable by the City-at-large utilizing Water Utility Improvement Funds. The cost has been assessed on a fractional basis.
- i) (470-576/734906/448-89179) - Construction of Water Distribution System No. 448-89179 to serve Belle Terre South Addition - south of Kellogg, west of 159th Street East, as authorized by Resolution No. R-97-274 adopted July 22, 1997, and published July 25, 1997. Petition for this improvement was signed by owners representing 100 percent of the property ownership. The Statement of Cost approved July 18, 2000, in the amount of \$84,306.00 is to be apportioned 100 percent to the improvement district. The cost has been assessed on a fractional basis.
- j) (470-577/734907/448-89180) - Construction of Water Distribution System No. 448-89180 to serve Belle Terre South Addition - south of Kellogg, west of 159th Street East, as authorized by Resolution No. R-97-275 adopted July 22, 1997, and published July 25, 1997. Petition for this improvement was signed by owners representing 100 percent of the property ownership. The Statement of Cost approved July 18, 2000, in the amount of \$107,571.00 is to be apportioned 65 percent to the improvement district, and 35 percent payable by the City-at-large utilizing Water Utility Improvement Funds. The cost has been assessed on a fractional basis.
- k) (470-484/734061/448-89185) - Construction of Water Distribution System No. 448-89185 to serve an Unplatted Tract of Land - west of Meridian, south of 61st Street North, as authorized by Resolution No. R-97-291 adopted August 5, 1997, and published August 8, 1997. Petition for this improvement was signed by owners representing 100 percent of the property ownership. The Statement of Cost approved July 18, 2000, in the amount of \$4,081.00 is to be apportioned 100 percent to the improvement district. The cost has been assessed on a square foot basis.
- l) (470-613/734943/448-89224) - Construction of Water Distribution System No. 448-89224 to serve Northridge Lakes Addition - east of Tyler Road, south of 29th Street North, as authorized by Resolution No. R-97-420 adopted December 9, 1997, and published December 12, 1997. Petition for this improvement was signed by owners representing 100 percent of the property ownership. The Statement of Cost approved July 18, 2000, in the amount of \$56,807.00 is to be apportioned 100 percent to the improvement district. The cost has been assessed on a fractional basis.
- m) (470-554/734764/448-89259) - Construction of Water Distribution System No. 448-89259 to serve two Unplatted Tracts of Land - along Arkansas Avenue, north of 43rd Street North, as authorized by Resolution No. R-98-366 adopted August 25, 1998, and published August 28, 1998. Petition for this improvement was signed by owners representing 100 percent of the property ownership. The Statement of Cost approved July 18, 2000, in the amount of \$16,022.00 is to be apportioned 100 percent to the improvement district. The cost has been assessed on a fractional basis.
- n) (470-582/734912/448-89278) - Construction of Water Distribution System No. 448-89278 to serve Sunnyside Village Addition - south of Kellogg, west of Hillside, as authorized by Resolution No. R-99-074 adopted February 23, 1999, and published February 26, 1999. Petition for this improvement was signed by owners representing 100 percent of the property ownership. The Statement of Cost approved July 18, 2000, in the amount of \$39,134.00 is to be apportioned 100 percent to the improvement district. The cost has been assessed on a percentage basis.
- o) (470-581/734911/448-89321) - Construction of Water Distribution System No. 448-89321 to serve Rainbow Lakes West Third Addition - north of Maple, east of 135th Street West, as authorized by Resolution No. R-99-059 adopted February 9, 1999, and published February 15, 1999. Petition for this improvement was signed by owners representing 100 percent of the property ownership. The Statement of Cost approved July 18, 2000, in the amount of \$25,902.00 is to be apportioned 100 percent to the improvement district. The cost has been assessed on a fractional basis.

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- p) (470-585/734915/448-89365) - Construction of Water Distribution System No. 448-89365 to serve Woodland Lakes Estates Second Addition - north of Harry, east of Greenwich, as authorized by Resolution No. R-99-086 adopted March 2, 1999, and published March 5, 1999. Petition for this improvement was signed by owners representing 100 percent of the property ownership. The Statement of Cost approved July 18, 2000, in the amount of \$66,710.00 is to be apportioned 100 percent to the improvement district. The cost has been assessed on a fractional basis.
- q) (470-608/734938/448-89387) - Construction of Water Distribution System No. 448-89387 to serve Smithmoor Ninth Addition - south of Harry, west of Greenwich Road, as authorized by Resolution No. R-99-230 adopted June 15, 1999, and published June 18, 1999. Petition for this improvement was signed by owners representing 100 percent of the property ownership. The Statement of Cost approved July 18, 2000, in the amount of \$55,843.00 is to be apportioned 100 percent to the improvement district. The cost has been assessed on a fractional basis.
- r) (470-607/734 937/448-89389) - Construction of Water Distribution System No. 448-89389 to serve Ridgeport North Addition - south of 37th Street, east of Ridge Road, as authorized by Resolution No. R-99-182 adopted May 25, 1999, and published May 28, 1999. Petition for this improvement was signed by owners representing 100 percent of the property ownership. The Statement of Cost approved July 18, 2000, in the amount of \$249,456.00 is to be apportioned 76.28 percent to the improvement district, and 23.72 percent payable by the City-at-large utilizing Water Utility Improvement Funds. The cost has been assessed on a fractional basis.
- s) (470-601/734931/448-89392) - Construction of Water Distribution System No. 448-89392 to serve The Legacy Addition - west of Meridian, south of MacArthur, as authorized by Resolution No. R-99-241 adopted June 22, 1999, and published June 25, 1999. Petition for this improvement was signed by owners representing 100 percent of the property ownership. The Statement of Cost approved July 18, 2000, in the amount of \$49,919.00 is to be apportioned 100 percent to the improvement district. The cost has been assessed on a fractional basis.
- t) (470-605/734935/448-89393) - Construction of Water Distribution System No. 448-89393 to serve Willowbend North Estates Addition - west of Rock Road, south of 45th Street North, as authorized by Resolution No. R-99-332 adopted August 24, 1999, and published August 27, 1999. Petition for this improvement was signed by owners representing 100 percent of the property ownership. The Statement of Cost approved July 18, 2000, in the amount of \$67,468.00 is to be apportioned 100 percent to the improvement district. The cost has been assessed on a fractional basis.
- u) (470-611/734941/448-89395) - Construction of Water Distribution System No. 448-89395 to serve Belriv Addition - north of Kellogg, west side of 159th Street East, as authorized by Resolution No. R-99-210 adopted June 8, 1999, published June 11, 1999; rescinded by Resolution No. R-00-002 adopted January 4, 2000, and published January 7, 2000. Petition for this improvement was signed by owners representing 100 percent of the property ownership. The Statement of Cost approved July 18, 2000, in the amount of \$74,413.00 is to be apportioned 93.69 percent to the improvement district; and 6.31 percent payable by the City-at-large utilizing Water Utility Improvement Funds. The cost has been assessed on a fractional basis.
- v) (470-603/734933/448-89409) - Construction of Water Distribution System No. 448-89409 to serve Evergreen Addition – Phase 2 - north of 21st Street, west of Maize Road, as authorized by Resolution No. R-99-301 adopted August 10, 1999, and published August 13, 1999. Petition for this improvement was signed by owners representing 100 percent of the property ownership. The Statement of Cost approved July 18, 2000, in the amount of \$63,981.00 is to be apportioned 100 percent to the improvement district. The cost has been assessed on a fractional basis.
- w) (470-610/734940/448-89420) - Construction of Water Distribution System No. 448-89420 to serve Lindsay's Orchard Addition - north of Pawnee, west of Maize Road, as authorized by Resolution No. R-99-340 adopted September 14, 1999, and published September 17, 1999. Petition for this improvement was signed by owners representing 100 percent of the property ownership. The Statement of Cost approved July 18, 2000, in the amount of \$44,789.00 is to be apportioned 100 percent to the improvement district. The cost has been assessed on a fractional basis.

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## SEWER PROJECTS:

- a) (480-504/743816/468-81835) - Construction of Lateral 32, Main 9, Sanitary Sewer No. 23 to serve Frank & Johnny's Addition - north of 37th Street North, west of Rock Road, as authorized by Resolution adopted July 12, 1988, and published July 15, 1988. Petition for this improvement was signed by owners representing 100 percent of the property ownership. The Statement of Cost approved July 18, 2000, in the amount of \$50,204.00 is to be apportioned 100 percent to the improvement district. The cost has been assessed on a fractional basis.
- b) (480-511/743823/468-82290) - Construction of Lateral 320, Southwest Interceptor Sewer to serve Wheatland Addition - south of MacArthur, west of Hoover, as authorized by Resolution No. R-93-176 adopted April 6, 1999, and published April 9, 1999. Petition for this improvement was signed by owners representing 100 percent of the property ownership. The Statement of Cost approved July 18, 2000, in the amount of \$33,094.00 is to be apportioned 100 percent to the improvement district. The cost has been assessed on a fractional basis.
- c) (480-495/743807/468-82353) - Construction of Lateral 328, Southwest Interceptor Sewer to serve Wilderness at the Park Addition - south of Pawnee, east of Maize Road, as authorized by Resolution No. R-99-203 adopted June 8, 1999, and published June 11, 1999. Petition for this improvement was signed by owners representing 100 percent of the property ownership. The Statement of Cost approved July 18, 2000, in the amount of \$43,701.00 is to be apportioned 100 percent to the improvement district. The cost has been assessed on a fractional basis.
- d) (480-500/743812/468-82563) - Construction of Lateral 2, Main 18, Southwest Interceptor Sewer to serve Hickory Creek Estates Addition - south of 13th, west of 119th Street West, as authorized by Resolution No. R-96-023 adopted January 23, 1996, published January 26, 1996; rescinded by Resolution No. R-99-411 adopted October 19, 1999, and published October 22, 1999. Petition for this improvement was signed by owners representing 100 percent of the property ownership. The Statement of Cost approved July 18, 2000, in the amount of \$133,691.00 is to be apportioned 100 percent to the improvement district. The cost has been assessed on a fractional basis.
- e) (480-505/743817/468-82724) - Construction of Lateral 380, Southwest Interceptor Sewer to serve Oak Ridge Second Addition - north of 29th Street north, east of Tyler Road, as authorized by Resolution No. R-97-257 adopted July 15, 1997, and published July 18, 1997. Petition for this improvement was signed by owners representing 100 percent of the property ownership. The Statement of Cost approved July 18, 2000, in the amount of \$27,282.00 is to be apportioned 100 percent to the improvement district. The cost has been assessed on a fractional basis.
- f) (480-499/743811/468-82783) - Construction of Lateral 387, Southwest Interceptor Sewer to serve Northridge Lakes Addition - east of Tyler Road, south of 29th Street North, as authorized by Resolution No. R-97-422 adopted December 9, 1997, published December 12, 1997, and republished June 19, 2000. Petition for this improvement was signed by owners representing 100 percent of the property ownership. The Statement of Cost approved July 18, 2000, in the amount of \$77,975.00 is to be apportioned 100 percent to the improvement district. The cost has been assessed on a fractional basis.
- g) (480-471/743783/468-82870) - Construction of Lateral 406, Southwest Interceptor Sewer to serve Barefoot Bay Second Addition - west of Hoover, south of 29th Street North, as authorized by Resolution No. R-98-324 adopted July 28, 1998, and published July 31, 1998. Petition for this improvement was signed by owners representing 100 percent of the property ownership. The Statement of Cost approved July 18, 2000, in the amount of \$8,639.00 is to be apportioned 100 percent to the improvement district. The cost has been assessed on a square foot basis.
- h) (480-497/743809/468-82987) - Construction of Lateral 429, Southwest Interceptor Sewer to serve Ridge Port North Addition - south of 37th, east of Ridge Road, as authorized by Resolution No. R-99-183 adopted May 25, 1999, and published May 28, 1999. Petition for this improvement was signed by owners representing 100 percent of the property ownership. The Statement of Cost approved July 18, 2000, in the amount of \$422,134.00 is to be apportioned 100 percent to the improvement district. The cost has been assessed on a fractional basis.

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- i) (480-489/743801/468-82995) - Construction of Lateral 38, Main 15, Southwest Interceptor Sewer to serve an Unplatted Tract of Land - north of 21st Street, east of Ridge Road, as authorized by Resolution No. R-99-205 adopted June 8, 1999, published June 11, 1999; rescinded by Resolution No. R-99-474 adopted December 14, 1999, and published December 17, 1999. Petition for this improvement was signed by owners representing 100 percent of the property ownership. The Statement of Cost approved July 18, 2000, in the amount of \$25,163.45 is to be apportioned 100 percent to the improvement district. The cost has been assessed on a square foot basis.
- j) (480-496/743808/468-82998) - Construction of Lateral 62, Main 9, Sanitary Sewer No. 23 to serve Willowbend North Estates Addition - west of Rock Road, south of 45th Street North, as authorized by Resolution No. R-99-333 adopted August 24, 1999, and published August 27, 1999. Petition for this improvement was signed by owners representing 100 percent of the property ownership. The Statement of Cost approved July 18, 2000, in the amount of \$101,858.00 is to be apportioned 100 percent to the improvement district. The cost has been assessed on a fractional basis.
- k) (480-492/743804/468-83012) - Construction of Lateral 435, Southwest Interceptor Sewer to serve four Unplatted Tracts of Land - south of Kellogg, west of Maize Road, as authorized by Resolution No. R-99-293 adopted August 3, 1999, and published August 6, 1999. Petition for this improvement was signed by owners representing 100 percent of the property ownership. The Statement of Cost approved July 18, 2000, in the amount of \$27,846.00 is to be apportioned 100 percent to the improvement district. The cost has been assessed on a fractional basis.
- l) (480-493/743805/468-83013) - Construction of Lateral 436, Southwest Interceptor Sewer to serve Evergreen Addition, Phase 2 - north of 21st Street, west of Maize Road, as authorized by Resolution No. R-99-303 adopted August 10, 1999, and published August 13, 1999. Petition for this improvement was signed by owners representing 100 percent of the property ownership. The Statement of Cost approved July 18, 2000, in the amount of \$159,193.00 is to be apportioned 100 percent to the improvement district. The cost has been assessed on a fractional basis.
- m) (480-494/743806/468-83017) - Construction of Lateral 77, Main 22, War Industries Sewer to serve Mediterranean Plaza Addition - north of 29th Street North, east of Rock Road, as authorized by Resolution No. R-99-307 adopted August 10, 1999, and published August 13, 1999. Petition for this improvement was signed by owners representing 100 percent of the property ownership. The Statement of Cost approved July 18, 2000, in the amount of \$11,319.00 is to be apportioned 100 percent to the improvement district. The cost has been assessed on a square foot basis.
- n) (480-498/743810/468-83035) - Construction of Lateral 440, Southwest Interceptor Sewer to serve Barefoot Bay Second Addition - south of 29th Street North, west of Hoover, as authorized by Resolution No. R-99-367 adopted September 28, 1999, published October 1, 1999; rescinded by Resolution No. R-00-090 adopted March 7, 2000, and published March 10, 2000. Petition for this improvement was signed by owners representing 100 percent of the property ownership. The Statement of Cost approved July 18, 2000, in the amount of \$46,604.00 is to be apportioned 100 percent to the improvement district. The cost has been assessed on a fractional basis.
- o) (480-508/7438210 /468-83043) - Construction of Lateral Sewer 60, Main 4, Southwest Interceptor Sewer to serve Unplatted Tracts of Land - north of Maple, east of Tyler Road, as authorized by Resolution No. R-99-450 adopted November 16, 1999, and published November 19, 1999. Petition for this improvement was signed by owners representing 100 percent of the property ownership. The Statement of Cost approved July 18, 2000, in the amount of \$8,904.00 is to be apportioned 100 percent to the improvement district. The cost has been assessed on a fractional basis.

## STORM WATER SEWER:

- a) (485-172/751281/468-82394) - Construction of Storm Water Sewer No. 453 to serve Kansas Surgery and Recovery Center Addition - east of Webb Road, south of K-96, as authorized by Resolution No. R-94-202 adopted May 17, 1994, and published May 20, 1994. Petition for this improvement was signed by owners representing 100 percent of the property ownership. The Statement

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of Cost approved July 18, 2000, in the amount of \$61,923.00 is to be apportioned 100 percent to the improvement district. The cost has been assessed on a fractional basis.

b) (485-169/751278/468- 82988) - Construction of Storm Water Drain No. 144 to serve Ridge Port North Addition and Unplatted Tract of Land - south of 37th Street North, east of Ridge Road, as authorized by Resolution No. R-99-190 adopted May 25, 1999, and published May 28, 1999. Petition for this improvement was signed by owners representing 100 percent of the property ownership. The Statement of Cost approved July 18, 2000, in the amount of \$474,978.00 is to be apportioned 100 percent to the improvement district. The cost has been assessed on a fractional basis.

c) (485-170/751279/468-82994) - Construction of Storm Water Drain No. 146 to serve Smithmoor Ninth Addition - south of Harry, west of Greenwich Road, as authorized by Resolution No. R-99-231 adopted June 15, 1999, and published June 18, 1999. Petition for this improvement was signed by owners representing 100 percent of the property ownership. The Statement of Cost approved July 18, 2000, in the amount of \$51,244.00 is to be apportioned 100 percent to the improvement district. The cost has been assessed on a fractional basis.

## PAVING PROJECTS:

a) (490-486/763839/472-82569 and 490-486/765589/472-83201 – Improving of Lark Lane from the south line of Lark Second Addition, north to the Atchison, Topeka, Santa Fe Railroad, as authorized by Resolution No. R-95-083 adopted March 7, 1995, published March 10, 1995; Rescinding Resolution No. R-98-481, adopted October 27, 1998, published October 30, 1998, and rescinding Resolution No. R-99-168, adopted May 25, 1999, and published May 28, 1999. Petition for this improvement was signed by owners representing 2 of 199 (1%) resident owners of 52.7% of the improvement district area of the property ownership. The Statement of Cost approved December 14, 1999 in the amount of \$428,144.00 is to be apportioned 100 percent payable by the improvement district. The cost has been assessed on a fractional basis.

b) (490-692/765581/472-82833 - Improving of Shadow Lakes from the east line of Tyler to the west line of Pepper Ridge; High Point/Shady Lane from the south line of Shadow Lakes to the west line of Pepper Ridge; High Point Court from the west line of High Point of and including the cul-de-sac and Sidewalks be constructed on the south side of Shadow Lakes - north of 29th Street North, east of Tyler, as authorized by Resolution No. R-97-260 adopted July 15, 1997, and published July 18, 1997. Petition for this improvement was signed by owners representing 100 percent of the property ownership. The Statement of Cost approved July 11, 2000, in the amount of \$213,016.00 is to be apportioned 100 percent to the improvement district. The cost has been assessed on a fractional basis.

c) (490-698/765587/472-82871) - Improving of Pepper Ridge from the south line of Lot 12, Block 5 to the north line of Lot 23, Block 5 and Forest Park, from the east line of Pepper Ridge to the west line of Lot 1, Block 3 - north of 29th Street North, east of Tyler, as authorized by Resolution No. R-97-350 adopted September 23, 1997, published September 26, 1997; rescinded by Resolution No. R-99-268, adopted July 13, 1999, published July 16, 1999; and rescinded by Resolution No. R-99-362 adopted September 21, 1999, and published September 24, 1999. Petition for this improvement was signed by owners representing 100 percent of the property ownership. The Statement of Cost approved July 11, 2000, in the amount of \$209,664.00 is to be apportioned 100 percent to the improvement district. The cost has been assessed on a fractional basis.

d) (490-716/765605/472-82890) - Paving Meadow Pass, Pepper Ridge, Meadow Pass Court and Sidewalk along the east and south line of Meadow Pass - east of Tyler Road, south of 29th Street North, as authorized by Resolution No. R-97-424 adopted December 9, 1997, published December 12, 1997; rescinded by Resolution No. R-99-465 adopted December 7, 1999, published December 10, 1999, and republished March 27, 2000. Petition for this improvement was signed by owners representing 100 percent of the property ownership. The Statement of Cost approved July 11, 2000, in the amount of \$289,224.00 is to be apportioned 100 percent to the improvement district. The cost has been assessed on a fractional basis.

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e) (490-602/765008/472-82903) - Improving of Moscelyn, Threewood, Lynndale, Fivewood, Sandwedge, Fawnwood, Fivewood Court, Fivewood Circle, Sandwedge Court, Sandwedge Circle, Fawnwood Court and Sidewalks - north of Kellogg, east of 151st Street West, as authorized by Resolution No. R-98-039 adopted February 10, 1998, and published February 13, 1998. Petition for this improvement was signed by owners representing 100 percent of the property ownership. The Statement of Cost approved July 11, 2000, in the amount of \$787,804.00 is to be apportioned 100 percent to the improvement district. The cost has been assessed on a fractional basis.

f) (490-596/764944/472-82904) - Improving of 151st Street West from the north line of US Highway 54, north to the north line of Hendryx - north of Kellogg, east of 151st Street West, as authorized by Resolution No. R-98-040 adopted February 10, 1998, and published February 13, 1998. Petition for this improvement was signed by owners representing 100 percent of the property ownership. The Statement of Cost approved July 11, 2000, in the amount of \$211,010.00 is to be apportioned 100 percent to the improvement district. The cost has been assessed on a fractional basis.

g) (490-587/764852/472-82912) - Landscaping Bradley Fair Parkway - south of 21st Street North, east of Rock Road, as authorized by Resolution No. R-98-056 adopted March 3, 1998, published March 6, 1998, and republished January 15, 1999. Petition for this improvement was signed by owners representing 100 percent of the property ownership. The Statement of Cost approved July 11, 2000, in the amount of \$371,910.00 is to be apportioned 100 percent to the improvement district. The cost has been assessed on a fractional basis.

h) (490-623/765214/472-82978) - Paving of Second Street from the east line of Hoover to the west line of Flora and from the east line of Flora to the west line of Elder - south of Central, east of Hoover, as authorized by Resolution No. R-98-338 adopted August 4, 1998, and published August 7, 1998. Petition for this improvement was signed by owners representing 57 percent of the property ownership. The Statement of Cost approved July 11, 2000, in the amount of \$100,267.00 is to be apportioned 100 percent to the improvement district. The cost has been assessed on a square foot basis.

i) (490-624/765222/472-82979) - Paving of Third Street from the west line of Florence to the west line of West Street - south of Central, west of West Street, as authorized by Resolution No. R-98-339 adopted August 4, 1998, and published August 7, 1998. Petition for this improvement was signed by owners representing 56 percent of the property ownership. The Statement of Cost approved July 11, 2000, in the amount of \$79,473.00 is to be apportioned 84 percent to the improvement district, and 16 percent payable by the City-at-large. The cost has been assessed on a square foot basis.

j) (490-622/765206/472-82980) - Paving of Lockwood from the east line of Seneca to the west line of Southwind - south of 47th Street South, east of Seneca, as authorized by Resolution No. R-98-337 adopted August 4, 1998, and published August 7, 1998. Petition for this improvement was signed by owners representing 51 percent of the property ownership. The Statement of Cost approved July 11, 2000, in the amount of \$218,358.00 is to be apportioned 100 percent to the improvement district. The cost has been assessed on a fractional basis.

k) (490-637/765354/472-82981) - Paving of Custer from the south line of 27th Street South, south to the south line of Sunnybrook Lane - south of 27th Street South, east of Sheridan, as authorized by Resolution No. R-98-356 adopted August 18, 1998, published August 21, 1998, and republished November 30, 1998. Petition for this improvement was signed by owners representing 86 percent of the property ownership. The Statement of Cost approved July 18, 2000, in the amount of \$181,783.00 is to be apportioned 100 percent to the improvement district. The cost has been assessed on a front foot basis.

l) (490-636/765347/472-82982) - Paving of 27th Street South, west of Custer - south of Pawnee, west of Meridian, as authorized by Resolution No. R-98-355 adopted August 18, 1998, and published August 21, 1998. Petition for this improvement was signed by owners representing 52 percent of the property ownership. The Statement of Cost approved July 18, 2000, in the amount of \$109,633.00 is to be apportioned 100 percent to the improvement district. The cost has been assessed on a square foot basis.



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- m) (490-638/765362/472-82983) - Improving of Sunnybrook Lane from the west line of Sheridan Avenue, east to the west line of Custer - south of Pawnee, west of Meridian, as authorized by Resolution No. R-98-359 adopted August 18, 1998, and published August 21, 1998. Petition for this improvement was signed by owners representing 100 percent of the property ownership. The Statement of Cost approved July 18, 2000, in the amount of \$109,370.00 is to be apportioned 100 percent to the improvement district. The cost has been assessed on a fractional basis.
- n) (490-640/765388/472-82995) - Improving of Maywood - south of 47th Street South, east of Seneca, as authorized by Resolution No. R-98-423 adopted September 15, 1998, published September 18, 1998, and republished May 10, 2000. Petition for this improvement was signed by owners representing 61 percent of the property ownership. The Statement of Cost approved July 11, 2000, in the amount of \$198,859.00 is to be apportioned 90 percent to the improvement district, and 10 percent payable by the City-at-large. The cost has been assessed on a fractional basis.
- o) (490-649/765479/472-83020) - Improving of 32nd Street North from the east line of Coolidge to the west line of Porter - north of 29th Street North, west of Seneca, as authorized by Resolution No. R-98-465 adopted October 20, 1998, and published October 23, 1998. Petition for this improvement was signed by owners representing 67 percent of the property ownership. The Statement of Cost approved July 11, 2000, in the amount of \$104,230.00 is to be apportioned 91 percent to the improvement district and 9 percent payable by the City-at-large. The cost has been assessed on a square foot basis.
- p) (490-676/765565/472-83022) - Improving of Forestview from the west line of Angela to 294' east of Angela, including Forestview Court, Forestview Circle, and on Angela from the south line of Forestview to 165' south of Forestview - north of Maple, east of 135th Street West, as authorized by Resolution No. R-99-060 adopted February 9, 1999, and published February 12, 1999. Petition for this improvement was signed by owners representing 100 percent of the property ownership. The Statement of Cost approved July 11, 2000, in the amount of \$92,706.00 is to be apportioned 100 percent to the improvement district. The cost has been assessed on a fractional basis.
- q) (490-678/765567/472-83058) - Improving of Rita from the west line of Lot 12, Block 1 to the west line of Stony Point Lane; Stony Point Circle from the south line of Rita to and including cul-de-sac; Stony Point Lane from the south line of Rita to the west line of Rita; and Jewell Court from the south line of Jewell to and including cul-de-sac - north of Pawnee, west of Maize Road, as authorized by Resolution No. R-99-011 adopted January 12, 1999, and published January 15, 1999. Petition for this improvement was signed by owners representing 100 percent of the property ownership. The Statement of Cost approved July 11, 2000, in the amount of \$174,398.00 is to be apportioned 100 percent to the improvement district. The cost has been assessed on a fractional basis.
- r) (490-683/765572/472-83060) - Improving of East First Street Circle from the east line of Jackson to and including cul-de-sac - north of Douglas, east of 127th East, as authorized by Resolution No. R-99-018 adopted January 12, 1999, and published January 15, 1999. Petition for this improvement was signed by owners representing 100 percent of the property ownership. The Statement of Cost approved July 11, 2000, in the amount of \$69,856.00 is to be apportioned 100 percent to the improvement district. The cost has been assessed on a fractional basis.
- s) (490-662/765551/472-83065) - Improving of Northridge Court from the south line of Northridge to and including the cul-de-sac - north of 21st, east of Tyler Road, as authorized by Resolution No. R-99-044 adopted January 26, 1999, and published January 29, 1999. Petition for this improvement was signed by owners representing 100 percent of the property ownership. The Statement of Cost approved July 11, 2000, in the amount of \$191,388.00 is to be apportioned 100 percent to the improvement district. The cost has been assessed on a fractional basis.
- t) (490-677/765566/472-83066) - Improving of Hoover from the south line of First Street to the north line of Second Street - south of Central, east of I-235, as authorized by Resolution No. R-99-056 adopted February 2, 1999, and published February 5, 1999. Petition for this improvement was signed by owners representing 80.3 percent of the property ownership. The Statement of Cost approved July 11, 2000, in the amount of \$95,651.00 is to be apportioned 76 percent to the improvement district and 24 percent payable by the City-at-large. The cost has been assessed on a square foot basis.

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u) (490-680/765569/472-83081) - Improving of Sunnyside from the east line of Chautauqua to the west line of Lorraine; Lorraine from the north line of Orme to the north line of Sunnyside - north of Orme, west of Lorraine, as authorized by Resolution No. R-99-076 adopted February 23, 1999, published February 26, 1999; rescinded by Resolution R-99-339 adopted September 14, 1999, and published September 17, 1999. Petition for this improvement was signed by owners representing 100 percent of the property ownership. The Statement of Cost approved July 11, 2000, in the amount of \$89,211.00 is to be apportioned 100 percent to the improvement district. The cost has been assessed on a percentage basis.

v) (490-685/765574/472-83082) - Improving of 19th Street North from the east line of Wabash to the west line of Ohio - south of 21st Street North, west of Hydraulic, as authorized by Resolution No. R-99-092 adopted March 16, 1999, and published March 19, 1999. Petition for this improvement was signed by owners representing 89.5 percent of the property ownership. The Statement of Cost approved July 11, 2000, in the amount of \$46,400.00 is to be apportioned 100 percent to the improvement district. The cost has been assessed on a square foot basis.

w) (490-688/765577/472-83088) - Improving of Parkridge from the north line of Pawnee, north to the south line of Lotus; Blake and Cardington from the east line of Parkridge, east and south to the north line of Pawnee; Haskell from the east line of Parkridge east to the northwest line of Lot 1, Block 12, Pawnee Mesa Addition, and Sidewalk along both sides of Parkridge - north of Pawnee, west of Maize Road, as authorized by Resolution No. R-99-126 adopted March 30, 1999, published April 2, 1999; and republished October 8, 1999. Petition for this improvement was signed by owners representing 100 percent of the property ownership. The Statement of Cost approved July 11, 2000, in the amount of \$345,782.00 is to be apportioned 100 percent to the improvement district. The cost has been assessed on a fractional basis.

x) (490-702/765591/472-83099) - Improving of 27th Street South from the east line of Custer to the west line of St. Paul - south of Pawnee, west of Meridian, as authorized by Resolution No. R-99-195 adopted June 8, 1999, and published June 11, 1999. Petition for this improvement was signed by owners representing 60 percent of the property ownership. The Statement of Cost approved July 11, 2000, in the amount of \$69,695.00 is to be apportioned 87 percent to the improvement district and 13 percent payable by the City-at-large. The cost has been assessed on a square foot basis.

y) (490-703/765592/472-83118) - Improving of 43rd Street South, 44th Street South, Richmond, Richmond Court; and Sidewalk on the south side of 43rd Street South from the west line of Lot 18, Block 8 to the west line of Meridian and on both sides of 44th Street South from the west line of Lot 13, Block 11 to the west line of Meridian - west of Meridian, south of MacArthur, as authorized by Resolution No. R-99-242 adopted June 22, 1999, published June 25, 1999 and republished July 20, 1999. Petition for this improvement was signed by owners representing 100 percent of the property ownership. The Statement of Cost approved July 11, 2000, in the amount of \$304,698.00 is to be apportioned 100 percent to the improvement district. The cost has been assessed on a fractional basis.

z) (410-076/710214/472-83130) - Improving of a Traffic Signal to serve the intersection of Anna and Maple - south of Maple, west of West Street, as authorized by Resolution No. R-99-269 adopted July 13, 1999, and published July 16, 1999. Petition for this improvement was signed by owners representing 100 percent of the property ownership. The Statement of Cost approved July 11, 2000, in the amount of \$112,933.00 is to be apportioned 100 percent to the improvement district. The cost has been assessed on a fractional basis.

aa) (490-707/765596/472-83133) - Improving of Parkdale, Central Park, Ryan and Parkdale Courts, all in Evergreen Addition - south of 29th Street North, west of Maize, as authorized by Resolution No. 99-305 adopted August 10, 1999, and published August 13, 1999. Petition for this improvement was signed by owners representing 100 percent of the property ownership. The Statement of Cost approved July 11, 2000, in the amount of \$289,084.00 is to be apportioned 100 percent to the improvement district. The cost has been assessed on a fractional basis.

Mayor Knight

Mayor Knight inquired whether anyone wished to be heard.

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George Carlton

George Carlton inquired as to when sewer service charges would start.

Mayor Knight

Mayor Knight asked the City Engineer to meet with Mr. Carlton.

Motion --  
-- carried

Knight moved that the public hearing be closed; the assessments be approved; and the Ordinances be placed on first reading. Motion carried 6 to 0. (Gale, absent)

## WATER PROJECTS:

a) (470- 618/734948/448-88693)

### ORDINANCE

An Ordinance levying assessments on lots, pieces, and parcels of land in the City of Wichita, Kansas, for the purpose of paying a portion of the cost of construction of Water Distribution System No. 448-88693 to serve Wheatland Addition - south of MacArthur, west of Hoover, introduced and under the rules laid over.

b (470-604/734934/448-88749)

### ORDINANCE

An Ordinance levying assessments on lots, pieces, and parcels of land in the City of Wichita, Kansas, for the purpose of paying a portion of the cost of construction of Water Distribution System No. 448-88749 to serve Wilderness at the Park Addition - south of Pawnee, east of Maize Road, introduced and under the rules laid over.

c) (470-612/734942/448-88982)

### ORDINANCE

An Ordinance levying assessments on lots, pieces, and parcels of land in the City of Wichita, Kansas, for the purpose of paying a portion of the cost of construction of Water Distribution System No. 448-88982 to serve Hickory Creek Estates Addition, south of 13th Street, west of 119th Street West, introduced and under the rules laid over.

d) (470-591/734921/448-89023)

### ORDINANCE

An Ordinance levying assessments on lots, pieces, and parcels of land in the City of Wichita, Kansas, for the purpose of paying a portion of the cost of construction of Water Distribution System No. 448-89023 to serve Balthrop Addition and an Unplatted Tract of Land, north of Central, east of Greenwich Road, introduced and under the rules laid over.

e) (470- 622/734952/448-89150)

### ORDINANCE

An Ordinance levying assessments on lots, pieces, and parcels of land in the City of Wichita, Kansas, for the purpose of paying a portion of the cost of construction of Water Distribution System No. 448-89150 to serve Maple Dunes Addition - north of Maple, east of 135th Street West, introduced and under the rules laid over.

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f) (470-616/734946/448-89154)

## ORDINANCE

An Ordinance levying assessments on lots, pieces, and parcels of land in the City of Wichita, Kansas, for the purpose of paying a portion of the cost of construction of Water Distribution System No. 448-89154 to serve Oak Ridge Second Addition, north of 29th Street North, east of Tyler Road, introduced and under the rules laid over.

g) (470-485/734079/448-89171)

## ORDINANCE

An Ordinance levying assessments on lots, pieces, and parcels of land in the City of Wichita, Kansas, for the purpose of paying a portion of the cost of construction of Water Distribution System No. 448-89171 to serve Hybritech Wheat Addition, east of Meridian, north of 53rd Street North, introduced and under the rules laid over.

h) (470-590/734920/448-89173)

## ORDINANCE

An Ordinance levying assessments on lots, pieces, and parcels of land in the City of Wichita, Kansas, for the purpose of paying a portion of the cost of construction of Water Distribution System No. 448-89173 to serve Dillons Twelfth Addition and Unplatted Tracts No. 1, 2 and 3, north of 13th, east of Greenwich Road, introduced and under the rules laid over.

i) (470-576/734906/448-89179)

## ORDINANCE

An Ordinance levying assessments on lots, pieces, and parcels of land in the City of Wichita, Kansas, for the purpose of paying a portion of the cost of construction of Water Distribution System No. 448-89179 to serve Belle Terre South Addition - south of Kellogg, west of 159th Street East, introduced and under the rules laid over.

j) (470-577/734907/448-89180)

## ORDINANCE

An Ordinance levying assessments on lots, pieces, and parcels of land in the City of Wichita, Kansas, for the purpose of paying a portion of the cost of construction of Water Distribution System No. 448-89180 to serve Belle Terre South Addition - south of Kellogg, west of 159th Street East, introduced and under the rules laid over.

k) (470-484/734061/448-89185)

## ORDINANCE

An Ordinance levying assessments on lots, pieces, and parcels of land in the City of Wichita, Kansas, for the purpose of paying a portion of the cost of construction of Water Distribution System No. 448-89185 to serve an Unplatted Tract of Land - west of Meridian, south of 61st Street North, introduced and under the rules laid over.

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l) (470-613/734943/448-89224)

## ORDINANCE

An Ordinance levying assessments on lots, pieces, and parcels of land in the City of Wichita, Kansas, for the purpose of paying a portion of the cost of construction of Water Distribution System No. 448-89224 to serve Northridge Lakes Addition - east of Tyler Road, south of 29th Street North, introduced and under the rules laid over.

m) (470-554/734764/448-89259)

## ORDINANCE

An Ordinance levying assessments on lots, pieces, and parcels of land in the City of Wichita, Kansas, for the purpose of paying a portion of the cost of construction of Water Distribution System No. 448-89259 to serve two Unplatted Tracts of Land - along Arkansas Avenue, north of 43rd Street North, introduced and under the rules laid over.

n) 470-582/734912/448-89278)

## ORDINANCE

An Ordinance levying assessments on lots, pieces, and parcels of land in the City of Wichita, Kansas, for the purpose of paying a portion of the cost of construction of Water Distribution System No. 448-89278 to serve Sunnyside Village Addition - south of Kellogg ,west of Hillside, introduced and under the rules laid over.

o) (470-581/734911/448-89321)

## ORDINANCE

An Ordinance levying assessments on lots, pieces, and parcels of land in the City of Wichita, Kansas, for the purpose of paying a portion of the cost of construction of Water Distribution System No 448-89321 to serve Rainbow Lakes West Third Addition - north of Maple, east of 135th Street West, introduced and under the rules laid over.

p) (470-585/734915/448-89365)

## ORDINANCE

An Ordinance levying assessments on lots, pieces, and parcels of land in the City of Wichita, Kansas, for the purpose of paying a portion of the cost of construction of Water Distribution System No. 448-89365 to serve Woodland Lakes Estates Second Addition - north of Harry, east of Greenwich, introduced and under the rules laid over.

q) (470-608/734938/448-89387)

## ORDINANCE

An Ordinance levying assessments on lots, pieces, and parcels of land in the City of Wichita, Kansas, for the purpose of paying a portion of the cost of construction of Water Distribution System No. 448-89387 to serve Smithmoor Ninth Addition - south of Harry, west of Greenwich Road, introduced and under the rules laid over.

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r) (470-607/734 937/448-89389)

## ORDINANCE

An Ordinance levying assessments on lots, pieces, and parcels of land in the City of Wichita, Kansas, for the purpose of paying a portion of the cost of construction of Water Distribution System No. 448-89389 to serve Ridgeport North Addition - south of 37th Street, east of Ridge Road, introduced and under the rules laid over.

s) (470-601/734931/448-89392)

## ORDINANCE

An Ordinance levying assessments on lots, pieces, and parcels of land in the City of Wichita, Kansas, for the purpose of paying a portion of the cost of construction of Water Distribution System No. 448-89392 to serve The Legacy Addition - west of Meridian, south of MacArthur, introduced and under the rules laid over.

t) (470-605/734935/448-89393)

## ORDINANCE

An Ordinance levying assessments on lots, pieces, and parcels of land in the City of Wichita, Kansas, for the purpose of paying a portion of the cost of construction of Water Distribution System No. 448-89393 to serve Willowbend North Estates Addition - west of Rock Road, south of 45th Street North, introduced and under the rules laid over.

u) (470-611/734941/448-89395)

## ORDINANCE

An Ordinance levying assessments on lots, pieces, and parcels of land in the City of Wichita, Kansas, for the purpose of paying a portion of the cost of construction of Water Distribution System No. 448-89395 to serve Belriv Addition - north of Kellogg, west side of 159th Street East, introduced and under the rules laid over.

v) (470-603/734933/448-89409)

## ORDINANCE

An Ordinance levying assessments on lots, pieces, and parcels of land in the City of Wichita, Kansas, for the purpose of paying a portion of the cost of construction of Water Distribution System No. 448-89409 to serve Evergreen Addition – Phase 2 - north of 21st Street ,west of Maize Road, introduced and under the rules laid over.

w) (470-610/734940/448-89420)

## ORDINANCE

An Ordinance levying assessments on lots, pieces, and parcels of land in the City of Wichita, Kansas, for the purpose of paying a portion of the cost of construction of Water Distribution System No. 448-89420 to serve Lindsay's Orchard Addition - north of Pawnee, west of Maize Road, introduced and under the rules laid over.

SEWER PROJECTS:

- a) (480-504/743816/468-81835)

## ORDINANCE

An Ordinance levying assessments on lots, pieces, and parcels of land in the City of Wichita, Kansas, for the purpose of paying a portion of the cost of construction of Lateral 32, Main 9, Sanitary Sewer No. 23 to serve Frank & Johnny's Addition - north of 37th Street North, west of Rock Road, introduced and under the rules laid over.

- b) (480-511/743823/468-82290)

## ORDINANCE

An Ordinance levying assessments on lots, pieces, and parcels of land in the City of Wichita, Kansas, for the purpose of paying a portion of the cost of construction of Lateral 320, Southwest Interceptor Sewer to serve Wheatland Addition - south of MacArthur, west of Hoover, introduced and under the rules laid over.

- c) 480-495/743807/468-82353)

## ORDINANCE

An Ordinance levying assessments on lots, pieces, and parcels of land in the City of Wichita, Kansas, for the purpose of paying a portion of the cost of construction of Lateral 328, Southwest Interceptor Sewer to serve Wilderness at the Park Addition - south of Pawnee, east of Maize Road, introduced and under the rules laid over.

- d) (480-500/743812/468-82563)

## ORDINANCE

An Ordinance levying assessments on lots, pieces, and parcels of land in the City of Wichita, Kansas, for the purpose of paying a portion of the cost of construction of Lateral 2, Main 18, Southwest Interceptor Sewer to serve Hickory Creek Estates Addition - south of 13th, west of 119th Street West, introduced and under the rules laid over.

- e) (480- 505/743817/468-82724)

## ORDINANCE

An Ordinance levying assessments on lots, pieces, and parcels of land in the City of Wichita, Kansas, for the purpose of paying a portion of the cost of construction of Lateral 380, Southwest Interceptor Sewer to serve Oak Ridge Second Addition - north of 29th Street north, east of Tyler Road, introduced and under the rules laid over.

- f) (480-499/743811/468-82783)

## ORDINANCE

An Ordinance levying assessments on lots, pieces, and parcels of land in the City of Wichita, Kansas, for the purpose of paying a portion of the cost of construction of Lateral 387, Southwest Interceptor Sewer to serve Northridge Lakes Addition - east of Tyler Road, south of 29th Street North, introduced and under the rules laid over.

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g) (480-471/743783/468-82870)

## ORDINANCE

An Ordinance levying assessments on lots, pieces, and parcels of land in the City of Wichita, Kansas, for the purpose of paying a portion of the cost of construction of Lateral 406, Southwest Interceptor Sewer to serve Barefoot Bay Second Addition - west of Hoover, south of 29th Street North, introduced and under the rules laid over.

h) (480-497/743809/468- 82987)

## ORDINANCE

An Ordinance levying assessments on lots, pieces, and parcels of land in the City of Wichita, Kansas, for the purpose of paying a portion of the cost of construction of Lateral 429, Southwest Interceptor Sewer to serve Ridge Port North Addition - south of 37th, east of Ridge Road), introduced and under the rules laid over.

i) (480-489/743801/468-82995)

## ORDINANCE

An Ordinance levying assessments on lots, pieces, and parcels of land in the City of Wichita, Kansas, for the purpose of paying a portion of the cost of construction of Lateral 38, Main 15, Southwest Interceptor Sewer to serve an Unplatted Tract of Land - north of 21st Street, east of Ridge Road, introduced and under the rules laid over.

j) (480-496/743808/468-82998)

## ORDINANCE

An Ordinance levying assessments on lots, pieces, and parcels of land in the City of Wichita, Kansas, for the purpose of paying a portion of the cost of construction of Lateral 62, Main 9, Sanitary Sewer No. 23 to serve Willowbend North Estates Addition - west of Rock Road, south of 45th Street North, introduced and under the rules laid over.

k) (480-492/743804/468-83012)

## ORDINANCE

An Ordinance levying assessments on lots, pieces, and parcels of land in the City of Wichita, Kansas, for the purpose of paying a portion of the cost of construction of Lateral 435, Southwest Interceptor Sewer to serve four Unplatted Tracts of Land - south of Kellogg, west of Maize Road, introduced and under the rules laid over.

l) (480-493/743805/468-83013)

## ORDINANCE

An Ordinance levying assessments on lots, pieces, and parcels of land in the City of Wichita, Kansas, for the purpose of paying a portion of the cost of construction of Lateral 436, Southwest Interceptor Sewer to serve Evergreen Addition, Phase 2 - north of 21st Street, west of Maize Road, introduced and under the rules laid over.



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m) (480-494/743806/468-83017)

## ORDINANCE

An Ordinance levying assessments on lots, pieces, and parcels of land in the City of Wichita, Kansas, for the purpose of paying a portion of the cost of construction of Lateral 77, Main 22, War Industries Sewer to serve Mediterranean Plaza Addition - north of 29th Street North, east of Rock Road, introduced and under the rules laid over.

n) (480-498/743810/468-83035)

## ORDINANCE

An Ordinance levying assessments on lots, pieces, and parcels of land in the City of Wichita, Kansas, for the purpose of paying a portion of the cost of construction of Lateral 440, Southwest Interceptor Sewer to serve Barefoot Bay Second Addition - south of 29th Street North, west of Hoover, introduced and under the rules laid over.

o) (480-508/7438210 /468-83043)

## ORDINANCE

An Ordinance levying assessments on lots, pieces, and parcels of land in the City of Wichita, Kansas, for the purpose of paying a portion of the cost of construction of Lateral Sewer 60, Main 4, Southwest Interceptor Sewer to serve Unplatted Tracts of Land - north of Maple, east of Tyler Road, introduced and under the rules laid over.

## STORM WATER SEWER:

a) (485-172/751281/468-82394)

## ORDINANCE

An Ordinance levying assessments on lots, pieces, and parcels of land in the City of Wichita, Kansas, for the purpose of paying a portion of the cost of construction of Storm Water Sewer No. 453 to serve Kansas Surgery and Recovery Center Addition - east of Webb Road, south of K-96, introduced and under the rules laid over.

b) (485-169/751278/468- 82988)

## ORDINANCE

An Ordinance levying assessments on lots, pieces, and parcels of land in the City of Wichita, Kansas, for the purpose of paying a portion of the cost of construction of Storm Water Drain No. 144 to serve Ridge Port North Addition and Unplatted Tract of Land - south of 37th Street North, east of Ridge Road, introduced and under the rules laid over.

c) (485-170/751279/468-82994)

## ORDINANCE

An Ordinance levying assessments on lots, pieces, and parcels of land in the City of Wichita, Kansas, for the purpose of paying a portion of the cost of construction of Storm Water Drain No. 146 to serve Smithmoor Ninth Addition - south of Harry, west of Greenwich Road, introduced and under the rules laid over.

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## PAVING PROJECTS:

- a) (490-486/763839/472-82569 and 490-486/765589/472-83201)

### ORDINANCE

An Ordinance levying assessments on lots, pieces, and parcels of land in the City of Wichita, Kansas, for the purpose of paying a portion of the cost of improving of Lark Lane from the south line of Lark Second Addition, north to the Atchison, Topeka, Santa Fe Railroad, introduced and under the rules laid over.

- b) (490-692/765581/472-82833)

### ORDINANCE

An Ordinance levying assessments on lots, pieces, and parcels of land in the City of Wichita, Kansas, for the purpose of paying a portion of the cost of improving of Shadow Lakes from the east line of Tyler to the west line of Pepper Ridge; High Point/Shady Lane from the south line of Shadow Lakes to the west line of Pepper Ridge; High Point Court from the west line of High Point of and including the cul-de-sac and Sidewalks be constructed on the south side of Shadow Lakes - north of 29th Street North, east of Tyler, introduced and under the rules laid over.

- c) (490-698/765587/472-82871)

### ORDINANCE

An Ordinance levying assessments on lots, pieces, and parcels of land in the City of Wichita, Kansas, for the purpose of paying a portion of the cost of improving of Pepper Ridge from the south line of Lot 12, Block 5 to the north line of Lot 23, Block 5 and Forest Park, from the east line of Pepper Ridge to the west line of Lot 1, Block 3 - north of 29th Street North, east of Tyler, introduced and under the rules laid over.

- d) (490-716/765605/472-82890)

### ORDINANCE

An Ordinance levying assessments on lots, pieces, and parcels of land in the City of Wichita, Kansas, for the purpose of paying a portion of the cost of paving Meadow Pass, Pepper Ridge, Meadow Pass Court and Sidewalk along the east and south line of Meadow Pass - east of Tyler Road, south of 29th Street North, introduced and under the rules laid over.

- e) (490-602/765008/472-82903)

### ORDINANCE

An Ordinance levying assessments on lots, pieces, and parcels of land in the City of Wichita, Kansas, for the purpose of paying a portion of the cost of improving of Moscelyn, Threewood, Lynndale, Fivewood, Sandwedge, Fawnwood, Fivewood Court, Fivewood Circle, Sandwedge Court, Sandwedge Circle, Fawnwood Court and Sidewalks - north of Kellogg, east of 151st Street West, introduced and under the rules laid over.

- f) (490-596/764944/472-82904)

### ORDINANCE

An Ordinance levying assessments on lots, pieces, and parcels of land in the City of Wichita, Kansas, for the purpose of paying a portion of the cost of improving of 151st Street West from the north line of US Highway 54, north to the north line of Hendryx - north of Kellogg, east of 151st Street West, introduced and under the rules laid over.

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g) (490-587/764852/472-82912)

## ORDINANCE

An Ordinance levying assessments on lots, pieces, and parcels of land in the City of Wichita, Kansas, for the purpose of paying a portion of the cost of landscaping Bradley Fair Parkway - south of 21st Street North, east of Rock Road, introduced and under the rules laid over.

h) (490-623/765214/472-82978)

## ORDINANCE

An Ordinance levying assessments on lots, pieces, and parcels of land in the City of Wichita, Kansas, for the purpose of paying a portion of the cost of paving of Second Street from the east line of Hoover to the west line of Flora and from the east line of Flora to the west line of Elder - south of Central, east of Hoover, introduced and under the rules laid over.

i) (490-624/765222/472-82979)

## ORDINANCE

An Ordinance levying assessments on lots, pieces, and parcels of land in the City of Wichita, Kansas, for the purpose of paying a portion of the cost of paving of Third Street from the west line of Florence to the west line of West Street - south of Central, west of West Street, introduced and under the rules laid over.

j) (490-622/765206/472-82980)

## ORDINANCE

An Ordinance levying assessments on lots, pieces, and parcels of land in the City of Wichita, Kansas, for the purpose of paying a portion of the cost of paving of Lockwood from the eastline of Seneca to the west line of Southwind - south of 47th Street South, east of Seneca, introduced and under the rules laid over.

k) (490-637/765354/472-82981)

## ORDINANCE

An Ordinance levying assessments on lots, pieces, and parcels of land in the City of Wichita, Kansas, for the purpose of paying a portion of the cost of paving of Custer from the south line of 27th Street South, south to the south line of Sunnybrook Lane - south of 27th Street South, east of Sheridan, introduced and under the rules laid over.

l) (490-636/765347/472-82982)

## ORDINANCE

An Ordinance levying assessments on lots, pieces, and parcels of land in the City of Wichita, Kansas, for the purpose of paying a portion of the cost of paving of 27th Street South, west of Custer - south of Pawnee, west of Meridian, introduced and under the rules laid over.

m) (490-638/765362/472-82983)

## ORDINANCE

An Ordinance levying assessments on lots, pieces, and parcels of land in the City of Wichita, Kansas, for the purpose of paying a portion of the cost of improving of Sunnybrook Lane from the west line of

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Sheridan Avenue, east to the west line of Custer - south of Pawnee, west of Meridian, introduced and under the rules laid over.

n) (490-640/765388/472-82995)

## ORDINANCE

An Ordinance levying assessments on lots, pieces, and parcels of land in the City of Wichita, Kansas, for the purpose of paying a portion of the cost of improving of Maywood - south of 47th Street South, east of Seneca, introduced and under the rules laid over.

o) (490-649/765479/472-83020)

## ORDINANCE

An Ordinance levying assessments on lots, pieces, and parcels of land in the City of Wichita, Kansas, for the purpose of paying a portion of the cost of improving of 32nd Street North from the east line of Coolidge to the west line of Porter - north of 29th Street North, west of Seneca, introduced and under the rules laid over.

p) (490-676/765565/472-83022)

## ORDINANCE

An Ordinance levying assessments on lots, pieces, and parcels of land in the City of Wichita, Kansas, for the purpose of paying a portion of the cost of improving of Forestview from the west line of Angela to 294' east of Angela, including Forestview Court, Forestview Circle, and on Angela from the south line of Forestview to 165' south of Forestview - north of Maple, east of 135th Street West, introduced and under the rules laid over.

q) (490-678/765567/472-83058)

## ORDINANCE

An Ordinance levying assessments on lots, pieces, and parcels of land in the City of Wichita, Kansas, for the purpose of paying a portion of the cost of improving of Rita from the west line of Lot 12, Block 1 to the west line of Stony Point Lane; Stony Point Circle from the south line of Rita to and including cul-de-sac; Stony Point Lane from the south line of Rita to the west line of Rita; and Jewell Court from the south line of Jewell to and including cul-de-sac - north of Pawnee, west of Maize Road, introduced and under the rules laid over.

r) (490-683/765572/472-83060)

## ORDINANCE

An Ordinance levying assessments on lots, pieces, and parcels of land in the City of Wichita, Kansas, for the purpose of paying a portion of the cost of improving of East First Street Circle from the east line of Jackson to and including cul-de-sac - north of Douglas, east of 127th East, introduced and under the rules laid over.

s) (490-662/765551/472-83065)

## ORDINANCE

An Ordinance levying assessments on lots, pieces, and parcels of land in the City of Wichita, Kansas, for the purpose of paying a portion of the cost of improving of Northridge Court from the south line of Northridge to and including the cul-de-sac - north of 21st, east of Tyler Road, introduced and under the rules laid over.

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t) (490-677/765566/472-83066)

## ORDINANCE

An Ordinance levying assessments on lots, pieces, and parcels of land in the City of Wichita, Kansas, for the purpose of paying a portion of the cost of improving of Hoover from the south line of First Street to the north line of Second Street - south of Central, east of I-235, introduced and under the rules laid over.

u) (490-680/765569/472-83081)

## ORDINANCE

An Ordinance levying assessments on lots, pieces, and parcels of land in the City of Wichita, Kansas, for the purpose of paying a portion of the cost of improving of Sunnyside from the east line of Chautauqua to the west line of Lorraine; Lorraine from the north line of Orme to the north line of Sunnyside - north of Orme, west of Lorraine, introduced and under the rules laid over.

v) (490-685/765574/472-83082)

## ORDINANCE

An Ordinance levying assessments on lots, pieces, and parcels of land in the City of Wichita, Kansas, for the purpose of paying a portion of the cost of improving of 19th Street North from the east line of Wabash to the west line of Ohio - south of 21st Street North, west of Hydraulic, introduced and under the rules laid over.

w) (490-688/765577/472-83088)

## ORDINANCE

An Ordinance levying assessments on lots, pieces, and parcels of land in the City of Wichita, Kansas, for the purpose of paying a portion of the cost of improving of Parkridge from the north line of Pawnee, north to the south line of Lotus; Blake and Cardington from the east line of Parkridge, east and south to the north line of Pawnee; Haskell from the east line of Parkridge east to the northwest line of Lot 1, Block 12, Pawnee Mesa Addition, and Sidewalk along both sides of Parkridge - north of Pawnee, west of Maize Road, introduced and under the rules laid over.

x) (490-702/765591/472-83099)

## ORDINANCE

An Ordinance levying assessments on lots, pieces, and parcels of land in the City of Wichita, Kansas, for the purpose of paying a portion of the cost of improving of 27th Street South from the east line of Custer to the west line of St. Paul - south of Pawnee, west of Meridian, introduced and under the rules laid over.

y) (490-703/765592/472-83118)

## ORDINANCE

An Ordinance levying assessments on lots, pieces, and parcels of land in the City of Wichita, Kansas, for the purpose of paying a portion of the cost of improving of 43rd Street South, 44th Street South, Richmond, Richmond Court; and Sidewalk on the south side of 43rd Street South from the west line of Lot 18, Block 8 to the west line of Meridian and on both sides of 44th Street South from the west line of Lot 13, Block 11 to the west line of Meridian - west of Meridian, south of MacArthur, introduced and under the rules laid over.

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z) (410-076/710214/472-83130)

## ORDINANCE

An Ordinance levying assessments on lots, pieces, and parcels of land in the City of Wichita, Kansas, for the purpose of paying a portion of the cost of improving of a Traffic Signal to serve the intersection of Anna and Maple - south of Maple, west of West Street, introduced and under the rules laid over.

aa) (490-707/765596/472-83133)

## ORDINANCE

An Ordinance levying assessments on lots, pieces, and parcels of land in the City of Wichita, Kansas, for the purpose of paying a portion of the cost of improving of Parkdale, Central Park, Ryan and Parkdale Courts, all in Evergreen Addition - south of 29th Street North, west of Maize, introduced and under the rules laid over.

Council Member Gale present

## HOMELESS

### CONSULTANT REPORT ON HOMELESS SERVICES.

Robin Salem Clements Robin Salem Clements reviewed the Item.

Agenda Report No. 00-1003.

In the past, the City has provided financial assistance to homeless shelters to assist with providing services to the homeless. General Funds have not been designated for a specific purpose but shelters have used these City funds to offset operating costs when necessary. Emergency Shelter funds have been used for prevention, operations, rehabilitation and essential services.

To gain a better understanding of the services delivered by homeless providers, and to determine the results of such services, the City hired a consultant to determine if the shelter's work products are producing meaningful outcomes which make a difference in reducing homelessness in the Wichita community. Specifically, the research by the consultant examined the scope of services provided; if duplication of services exists; and identified if there are ways in which the system can be more efficient in service delivery (this includes increased collaboration and the building of partnerships between agencies, government and the private sector).

The consultant's review of homeless services included a review of the Comprehensive Plan to Address Homelessness (prepared by the Wichita Homeless Task Force in October 1997). The end work product by the consultant recommends amendments to this plan to more comprehensively address the needs of the homeless and the service providers.

The consultant's evaluation of homeless services resulted in a number of findings and recommendations. Recommendations are summarized in the Executive Summary of the report. These recommendations cover the following areas:

- 76.0 Evaluation of the Comprehensive Plan to Address Homelessness
- 77.0 Evaluation of the Providers
- 78.0 Evaluation of whom is Served
- 79.0 Evaluation of the System of Service Delivery
- 80.0 Evaluation of Funding and Budgets
- 81.0 Evaluation of Outcome Measurements

Evaluation of the Plan: There are a number of common themes that emerge from the review. The first is the need to recognize the work of the homeless providers. The Homeless Plan, created in 1997, was a thoughtful work product which defined the needs of the homeless, but did not provide sufficient

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information for resource allocation. Since the plan was created in 1997, the providers have utilized the plan as a blueprint for developing a more coordinated community effort to address the needs of the homeless. Wichita and Sedgwick County providers have now formally organized themselves into the Continuum of Care, a collaborative effort which coordinates resources, operates as a case management system, a planning team, and leverages resources. This group works in a collaborative way to prioritize community needs in the development of the HUD Continuum of Care grant application.

As part of the recognition of the work of the Continuum of Care, the consultant recommends that the Plan be amended to include the vision statement, mission statement, strategic goals and action steps set forth by the Homeless Task Force in the Spring of 2000. It should also be amended to recognize the role of the six providers who receive City funding and who are a part of the Continuum of Care coalition and work in collaboration.

Evaluation of Providers: When examining the work of the providers, the consultant concluded that providers are making an effort to not duplicate services, but to work in partnership to meet the distinct, but often overlapping needs of the homeless. Through their efforts they have developed a case management system to place individuals with needed resources. Resources will never be sufficient to address all of the needs, but providers are attempting to maximize resources. Providers believe that formal recognition by the governing body would enhance the agencies' abilities to obtain other financial support. The consultant also notes that a stronger communication link is needed so that agencies' accomplishments can be followed.

Evaluation of who is Served: The review of homeless services also provided the consultant with the opportunity to evaluate who is served. There is a changing homeless population with growing numbers of citizens who are currently working and paying taxes but with insufficient income to meet daily needs. The consultant recommends that consideration be given to refining the United Way Database to provide more meaningful information on this changing population. This refinement includes assisting providers with data collection as well as providing assistance with analysis. Additionally, the consultant points out that the City may want to consider prevention efforts which better utilize community-based resources: transportation, job training, meals, child care, mental health services and community education programs to prevent individuals from entering the homeless environment.

Evaluation of the System of Service Delivery: Over the last several years, the Continuum of Care has built a case management system for planning, resource sharing and service delivery. This system of service delivery should be recognized in the Plan. Additionally, the consultant sets forth the idea of assisting the Continuum of Care with formalizing this group as a non-profit organization with by-laws to govern operations. As an incorporated non-profit it may be able to seek increased funding from other sources such as the private sector, grants, and foundations. This organization's role in addressing homeless is already beginning to be recognized by the real estate industry in its efforts to develop affordable housing. As a non-profit, it is anticipated that its recognition would increase with other sectors of the community.

Evaluation of Funding and Budgets: The consultant's evaluation of funding and budgets found that the Continuum of Care has served as a leader in establishing funding priorities. The City may want to consider more fully utilizing this organization for recommendations on City administered funding and for recommendations relating to service delivery gaps as this group is not only knowledgeable of the homeless population but also has history in setting priorities.

Evaluation of Outcome Measures: The work product of the consultant included assisting the six City-funded providers with the development of outcome based measurements. It is the recommendation of the consultant that these efforts continue. Initial efforts need to be refined so providers can more accurately demonstrate meaningful measures of agency accomplishments.

## Policy Issues

Underpinning the recommendations of the consultant are a number of policy questions for City Council Consideration. They include:

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- Should the City Council review the amended Comprehensive Plan to Address Homelessness and consider funding needs that have been defined in the plan by the Continuum of Care?
- Should the City investigate supporting pilot projects, either neighborhood-based or Center City to address the needs of the homeless?
- Should the City recognize and support the Continuum of Care coalition as the primary organization involved in planning for homeless services?
- Should the City formalize its support for the Continuum of Care coalition and request funding recommendations where appropriate?
- Should the City support the Continuum of Care in its efforts to become a not-for-profit organization (should the Continuum of Care elect to pursue non-profit status)?
- Should the City redirect its current staff resources to assist the Continuum of Care in its planning and implementation of homeless services, or remain in a less active role as an administrator of federal funds?
- Should the community make additional investments in refining the existing database to gain more information on the changing population of the homeless?
- Should the City make additional investments to help providers refine outcome-based measurements to further document agencies' abilities to serve this population in a meaningful way?

Upon direction by the City Council, staff will refine the amended Comprehensive Plan to Address Homelessness by developing strategic action steps which outline funding, assignment to a responsible party, and a time frame for completion to implement the recommendations. This will provide a step-by-step approach for implementation.

The City of Wichita allocates funding to assist the homeless. Primary sources of funding include: Emergency Shelter; Community Development Block Grants (CDBG); Community Services Block Grants (CSBG). Additionally HOME Funds, Section 8 Vouchers and Public Housing is available to assist with housing needs. In addition to City funds, homeless services are funded by HUD, FEMA and other federal agencies.

The City of Wichita has the legal authority to administer funds for homeless services.

- |                         |   |
|-------------------------|---|
| Mayor Knight            | Mayor Knight inquired if anyone wished to be heard and no one appeared.   |
| Chris Cherches          | City Manager said this Item would be brought back to the Council as a workshop Item.  |
| Motion --<br>-- carried | Knight moved that the report be received and filed and Staff be authorized to develop and implement an action plan.. Motion carried 7 to 0. |

Council Member Rogers left the bench.

## CITY COUNCIL AGENDA

### **APPOINTMENTS**

No appointments were made.

(Council Member Rogers absent)

### **PROCLAMATIONS**

#### **PROCLAMATIONS:**

- |                   |  |
|-------------------|--|
| Motion -- carried | Knight moved that the Proclamations be authorized. Motion carried 6 to 0. (Rogers, absent) |
|-------------------|--|



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## CONSENT AGENDA

Knight moved that the Consent Agenda, except Item No. 16a, be approved in accordance with the recommended action shown thereon. Motion carried 6 to 0. (Rogers, absent)

## **BOARD OF BIDS**

### REPORT OF THE BOARD OF BIDS AND CONTRACTS DATED OCTOBER 16, 2000.

Bids were opened October 6 and October 13, 2000, pursuant to advertisements published on:

Cessna Park parking lot improvements (Phase 2) - north of Pawnee, east of Oliver. (472-82969/785865/399118) Traffic to be maintained during construction using flagpersons and barricades. (District III)

Cornejo & Sons Construction - \$25,840.00

32nd Street North from the east line of Fairview to and including a hammerhead turnaround east of the drainage ditch to serve Gibbons Gardens Addition, Unplatted Tracts in Sec 32, TWP 26S, R1E - south of 33rd Street North, east of Arkansas. (472-83128/765593/490704) Traffic to be maintained during construction using flagpersons and barricades. (District VI); AND Fairview from the north line of 32nd Street North to the south line of 33rd Street North to serve Gibbons Gardens Addition, Jones Park Addition - south of 33rd Street North, east of Arkansas. (472-83150/765608/490719) Traffic to be maintained during construction using flagpersons and barricades. (District VI)

Central Paving - \$188,682.41 (Aggregate bid total)

Cranbrook from the north line of Lot 1, Block 6, south to the south line of the plat; Mt Vernon Street from the east line of Cranbrook, east to the east line of the plat; and sidewalk along both sides of Cranbrook, from the north line of Lot 1, Block 6, south to the south line of the plat. to serve Huntcrest Second Addition - south of Harry, east of Webb. (472-83122/765640 /490751) Does not affect existing traffic. (District III)

Cornejo & Sons Construction - \$102,176.75

Cypress/38th Street North from the north line of 37th Street North to the west line of Webb Road to serve Industrial Air Center and Industrial Air Center Second Addition - north of 37th Street North, west of Webb. (472-82889/765645/490756) Does not affect existing traffic. (District II)

Central Paving - \$314,559.02 (Corrected total)

Lateral 125, Main 4, Sanitary Sewer No. 23 to serve PMT Addition and Unplatted Tract - north of 36th Street North at Armstrong. (468-82272/741447 /480236) Does not affect existing traffic. (District VI)

WB Carter Construction - \$14,646.00

Water distribution system to serve Buckhead Third Addition - north of Central, west of 119th Street West. (448-89280/734986/470656) Does not affect existing traffic. (District VI)

Nowak Construction - \$28,862.00

Water distribution system to serve Killenwood Pointe Addition - south of 13th Street north, east of Greenwich. (448-89495/734988/) Does not affect existing traffic. (District II); AND Water distribution system to serve Killenwood Pointe Addition - south of 13th Street north, east of Greenwich. (448-89491/734987/) Does not affect existing traffic. (District II)

Nowak Construction - \$28,020.00 (Aggregate bid total)

Tee Time from the west line of Lakecrest to the north line of Lot 34, Block 4 and the north line of Lot 16, Block 5; Lakecrest Circle serving Lots 13 through 26, Block 4; and Sidewalk on the east side of Tee

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Time, from the west line of Lakecrest to the north line of Lot 16, Block 5, to serve Forest Lakes to serve Forest Lakes - north of 29th Street North, west of Ridge. (472-82699/765647/490758) Does not affect existing traffic. (District V)

APAC – Kansas Inc. - \$132,431.35

Water main replacement in Fairview from 26th Street North to 27th Street North to serve F.C. McTaggart's Addition to serve F.C. McTaggart's Addition - south of 29th St. N., west of Broadway. (448-89441/635622/760682) Traffic to be maintained during construction using flagpersons and barricades. (District VI); AND Water main replacement in Jackson from 26th Street North to 27th Street North to serve F.C. McTaggart's Addition to serve F.C. McTaggart's Addition - south of 29th St. N., west of Broadway. (448-89442/ 636097/770177) Traffic to be maintained during construction using flagpersons and barricades. (District VI)

K C Excavating - \$54,000.00 (Aggregate bid total)

2000 Planeview Phase 1/reconstruct Planeview - east of Hillside, north of 31st Street. (468-83164/622228/640336) Traffic to be maintained during construction using flagpersons and barricades. (District III)

WB Carter Construction - \$203,100.00

2000-2001 wheelchair ramp and sidewalk - Phase I - north of 47th Street South and east of 135th Street West. (472-83270/706806/200280) Traffic to be maintained during construction using flagpersons and barricades. (Districts I, II, II, IV, V and VI)

Barkley Construction - \$182,000.00 (Engineer's estimate)

2000-2001 wheelchair ramp and sidewalk - Phase II - north of 47th Street South and east of 135th Street West. (472-83270/706806/200280) Traffic to be maintained during construction using flagpersons and barricades. (Districts II, III & VI)

Barkley Construction - \$91,000.00 (Engineer's estimate)

Waco from the north line of 26th Street North to the south line of 27th Street North to serve F.C. McTaggart's Addition - south of 29th Street North, west of Broadway. (472-83152/765609/490720) Traffic to be maintained during construction using flagpersons and barricades. (District VI); Jackson from the north line of 26th Street North to the south line of 27th Street North to serve F.C. McTaggart's Addition - south of 29th Street North, west of Broadway. (472-83160/765607/490718) Traffic to be maintained during construction using flagpersons and barricades. (District VI); Fairview from the north line of 26th Street North to the south line of 27th Street North to serve F.C. McTaggart's Addition - south of 29th Street North, west of Broadway. (472-83151/765622/490733) Traffic to be maintained during construction using flagpersons and barricades. (District VI); AND 26th Street North from the east line of Arkansas to the west line of Wichita Street to serve F.C. McTaggart's Addition - south of 29th Street North, west of Broadway. (472-83149/765606/) Traffic to be maintained during construction using flagpersons and barricades. (District VI)

Kansas Paving Company - \$344,536.60 (Aggregate bid total)

Clear Creek Circle from the north line of Gilbert, north to and including the cul-de-sac; Gilbert, from the east line of Lot 1, Block 7, west to the west line of the plat to serve Springdale Lakes Addition - south of Kellogg, east of 127th Street East. (472-83249/765642/490753) Does not affect existing traffic. (Districts II, III and VI)

Cornejo & Sons Construction - \$161,523.25

Main 1, Northwest Interceptor Sewer including pump station and force main. north of 21st, west of Maize Road. (468-83130/624058/659056) Traffic to be maintained during construction using flagpersons and barricades. (District VI)

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Wildcat Construction - \$1,331,133.00

Knight moved that the contract(s) be awarded as outlined above, subject to check, same being the lowest and best bid within the Engineer's construction estimate, and the and the necessary signatures be authorized. Motion carried 6 to 0. (Rogers, absent)

WATER & SEWER DEPARTMENT/PRODUCTION & PUMPING DIVISION: Labware Washer. (183582)

Lancer USA Inc. - \$16,924.00 (Total net bid)

PUBLIC WORKS DEPARTMENT/FLEET & BUILDINGS DIVISION: Roof Repairs to Farm & Art Market. (792315)

Roof Mechanics Inc. - \$14,500.00 (Total net bid)

PUBLIC WORKS DEPARTMENT/MAINTENANCE DIVISION: Pavement Marking Retroreflectometer. (132217)

Flint Trading Inc. - \$15,930.00 (Total net bid)

PUBLIC WORKS DEPARTMENT/FLEET & BUILDINGS DIVISION: Air Compressors. (130823)

Defer to Purchasing Manager for award

Knight moved that the contract(s) be awarded as outlined above, same being the lowest and best bid, and the necessary signatures be authorized. Motion carried 6 to 0. (Rogers, absent)

## CMB LICENSES

### APPLICATIONS FOR LICENSES TO RETAIL CEREAL MALT BEVERAGES:

| <u>Renewal</u>           | <u>2000</u>          | <u>(Consumption off Premises)</u> |
|--------------------------|----------------------|-----------------------------------|
| Gene Clasen              | Checkers             | 245 East 47th Street South        |
| P.D. (David) Bairrington | Westway 66 #27217    | 2356 South Seneca                 |
| P.D. (David) Bairrington | North Rock 66 #27396 | 2190 North Rock                   |
| Brent P. Lathrop         | Snacks               | 3733 North Arkansas               |

Motion -- carried

Knight moved that the licenses be approved subject to Staff approval. Motion carried 6 to 0. (Rogers, absent)

## PLANS AND SPECS.

### SUBDIVISION PLANS AND SPECIFICATIONS.

There were no sub-division plans and specifications submitted.

## PRELIMINARY EST.

### PRELIMINARY ESTIMATES:

- a) Broadway from Kellogg to Douglas (472-82412/705863/405140). Traffic to be maintained during construction using flagpersons and barricades. (District I) - \$700,000.00- GO, \$1,300,000.00 - Federal. Total Estimated Cost- \$2,000,000.00
- b) Gypsum Creek Bikepath and Landscaping from Cessna Park to Douglas. (472-82573/706135/405167). Does not affect existing traffic. (District II) - \$142,000.00- GO, \$328,000.00 - Federal. Total Estimated Cost- \$470,000.00.

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- c) Gypsum Creek Bikepath, from Cessna Park to Turnpike Drive. (472-82654/706267/405180). Does not affect existing traffic. (District II) - \$130,000.00- GO, \$340,000.00 - Federal. Total Estimated Cost- \$470,000.00.
- d) K-96 Bicycle/Pedestrian Path through Chisholm Creek Park and along K-96 from Oliver to the east city limits. (472-82675/706325/405186) Does not affect existing traffic. (Districts I/II) - \$225,000.00- GO, \$550,000.00 - Federal. Total Estimated Cost- \$775,000.00.
- e) Landscaping along I-235, from 13th Street North to Broadway. (472-82592/706358/405189) Does not affect existing traffic. (District VI) - \$70,000.00- GO, \$240,000.00 - Federal. Total Estimated Cost- \$310,000.00.
- f) Bullinger from 120' north of the north line of 26th Street North to the south line of 27th Street North to serve Northwest Heights, Quaker Heights, and Bullinger Gardens Addition to serve Northwest Heights, Quaker Heights, and Bullinger Gardens Additions - south of 27th Street North, west of Meridian. (472-83210/765629 /490740) Traffic to be maintained during construction using flagpersons and barricades. (District VI) - \$75,000.00
- g) Pepper Ridge, from the south line of Lot 1, Block 5, to the north line of Lot 11, Block 5; Pepper Ridge Courts serving Lots 45 through 50, Block 1, and serving Lots 51 through 59, Block 1, and; Sidewalk on the east side of Pepper Ridge from the south line of Lot 1, Block 5, to the north line of Lot 11, Block 5 to serve Forest Lakes West to serve Forest Lakes West - north of 29th, east of Tyler. (472-82872/765649 /490760) Does not affect existing traffic. (District V) - \$250,000.00
- h) Sheridan from the north line of Douglas to the south line of Second Street; Mt. Carmel from the east line south line of 1st Street; 1st Street from the east line of Sheridan to the west line of St. Paul Avenue, and; Sidewalks on one side of each street to serve Woodlake Second Addition to serve Woodlake Second Addition - north of Douglas, east of Sheridan. (472-83238/765637/490748) Does not affect existing traffic. (District IV) - \$354,000.00
- i) Water main replacement in Jackson from 26th Street North to 27th Street North to serve F.C. McTaggart's Addition to serve F.C. McTaggart's Addition - south of 29th St. N., west of Broadway. (448-89442 /636097/770177) Traffic to be maintained during construction using flagpersons and barricades. (District VI) - \$40,000.00
- j) Water distribution system to serve Huntcrest Second Addition to serve Huntcrest Second Addition - south of Harry, east of Webb. (448-89397/734977/470647) Does not affect existing traffic.(District II) - \$33,000.00
- k) Sanitary sewer reconstruction in connection with paving 26th Street North to serve Ramsey's Replat & F.C. McTaggart's Addition to serve Ramsey's Replat & F.C. McTaggart's Addition - south of 29th St. North, east of Arkansas. (468-83121/620287/660412) Traffic to be maintained during construction using flagpersons and barricades. (District VI) - \$48,000.00
- l) Lateral 166, Sanitary Sewer #22 to serve Bullinger Gardens to serve Bullinger Gardens - west of Bullinger, south of 27th Street North. (468-83086/743834/480522) Traffic to be maintained during construction using flagpersons and barricades. (District VI) - \$14,840.00
- m) Lateral 32, District E, Sanitary Sewer No. 12 to serve Power C.D.C. Addition to serve Power C.D.C. Addition - south of 21st, west of Grove - (468-83055/743847/480535) Does not affect existing traffic. (District I) - \$5,940.00

Motion -- carried

Knight moved that the Preliminary Estimates be received and filed. Motion carried 6 to 0. (Rogers, absent)

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## **DEEDS/EASEMENTS    DEEDS AND EASEMENTS:**

- a) Sanitary Sewer Easement dated August 31, 2000 from Brady Nursery, Inc., a Kansas Corporation, for a tract of land in Lot 1, Block A, Brady Addition, Sedgwick County, Kansas (Private Project, OCA # 607861). No cost to City.
- b) Sanitary Sewer Easement dated August 31, 2000 from Doonan Truck & Equipment, Inc., a Kansas Corporation, for a tract of land in Lot 1, Block A, Doonan Plaza II, Sedgwick County, Kansas and the SE 1/4 of Sec. 30, Twp. 27S, R-1-W of the 6th P.M., Sedgwick County, Kansas (Private Project, OCA # 607861). No cost to City.
- c) Sanitary Sewer Easement dated September 22, 2000 from 45th Street Properties, L.L.C., a Kansas Limited Liability Company, for a tract of land in Lot 5, Block A, Willow Place, an Addition to Sedgwick County, Kansas (Private Project, OCA # 607861). No cost to City.
- d) Utility Easement dated September 21, 2000 from George C. Bruce, Trustee of Heartland Community Church of Wichita, for a tract of land in Reserve "C", Cedar View Addition, Sedgwick County, Kansas (Private Project, OCA # 607861). No cost to City.
- e) Drainage Easement dated July 28, 2000 from PB Enterprises, L.L.C., a Kansas Limited Liability Company, for a tract of land in Lot 6, Block 1, Springdale Lakes Addition, Sedgwick County, Kansas (Private Project, OCA # 607861). No cost to City.
- f) Sanitary Sewer Easement dated September 12, 2000 from Evangel Assembly of God, for a tract of land in Lot 1, Evangel Assembly of God Addition, Wichita, Sedgwick County, Kansas (Private Project, OCA # 607861). No cost to City.
- g) Sanitary Sewer Easement dated September 18, 2000 from A.W., L.L.C., a Kansas Limited Liability Company, for a tract of land in Lots 1 and 2, the Dugan Centre, an Addition, Wichita, Kansas (Private Project, OCA # 607861). No cost to City.
- h) Utility Easement dated July 28, 2000 from PB Enterprises, L.L.C., a Kansas Limited Liability Company, for a tract of land in Lots 9 and 10, Block 1, Springdale Lakes Addition, Sedgwick County, Kansas (Private Project, OCA # 607861). No cost to City.

Motion --  
-- carried

Knight moved that the documents be received and filed and the necessary signatures be authorized.  
Motion carried 6 to 0. (Rogers, absent)

## **STREET CLOSURES    CONSIDERATION OF STREET CLOSURES/USES.**

Agenda Report No. 00-1004.

In accordance with the Special Events Procedures, event sponsors are to notify adjacent property owners and coordinate arrangements with Staff, subject to final approval by the City Council.

On Saturday, November 4, 2000, First Gear, Inc. will be holding the "First Gear 10K Relay" at Linwood Park. They will primarily be using the bike path; however, they have requested that Kansas Street be closed from Mt. Vernon (entrance to the park) to Minneapolis from approximately 8:45 until 9:45 a.m. The Park Department will be providing barricades and volunteers will allow vehicles into the park and residents into the neighborhood surrounding the park.

Inasmuch as possible, event sponsors are responsible for all costs associated with special events.

Motion --

Knight moved that the requests be approved subject to: (1) Event sponsors notifying every property and/or business adjoining any portion of the closed street; (2) Coordination of event arrangements with City Staff; (3) Hiring off-duty public safety officers as required by the Police Department; (4) Obtaining barricades to close the streets in accordance with requirements of Police, Fire and Public Works

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--carried

Department; (5) Submitting a Certificate of Insurance evidencing general liability insurance which covers the event and its related activities, including the naming of the City as an additional insured with respect to the event's use of the closed City streets. Motion carried 6 to 0. (Rogers, absent)

(Agenda Item No. 16a)

## **PROFESSIONAL SERV CONTRACT FOR PROFESSIONAL SERVICES – ADAMSON, ET AL. V. CITY.**

Motion -- carried

Gale moved that this Item be deferred one week. Motion carried 6 to 0. (Rogers absent)

## **PROFESSIONAL SERV CONTRACT FOR PROFESSIONAL SERVICES WITH FOULSTON & SEIFKIN.**

Agenda Report No. 00-1006.

The City has retained the law firm of Foulston & Siefkin to provide legal services in connection with the class action litigation filed in Reinschmidt v. City of Wichita. This case challenges the constitutionality of certain practices used by the municipal court judges to collect unpaid fines and court costs. The complexity of the issues involved in the litigation makes it necessary for an additional supplemental contract.

The original contract was entered into on February 1, 2000. A supplemental contract was approved on May 23, 2000. It has become necessary to spend additional sums to continue the representation of the City in this matter.

The Amendment provides for an additional amount not to exceed sixty thousand dollars as necessary to continue to represent that City in these matters. The charges are reasonable in amount for the legal services involved. The legal services are funded from the General Liability-Tort Management Fund.

Motion --  
-- carried

Knight moved that the Agreement/Contract be approved and the necessary signatures be authorized. Motion carried 6 to 0. (Rogers absent)

## **CHENEY MOU**

### **MOU FOR COST-SHARE AGREEMENT - CHENEY RESERVOIR WATERSHED.**

Agenda Report No. 00-1007.

Cheney Reservoir currently provides approximately 60% of Wichita's annual water supply. On August 24, 1993, the City Council authorized Staff to assist in submitting a grant request to the U.S. Environmental Protection Agency for a watershed improvement grant. As part of the grant, City Council authorized the City to share the costs associated with implementing "best management practices" in the watershed.

Cheney Reservoir has two pollution problems: sedimentation and phosphates. Sediment washes into the Cheney Reservoir from soil erosion, displaces water, and is a major factor in determining the "life" of the reservoir. High phosphate levels can lead to an increase in microscopic plant activity, thus increasing taste and odor problems in water.

The Reno County Conservation District has funds available from the Water Resources Cost Share Program (WRCS) and the Non-Point Source Pollution Control Fund (NPS) to finance implementation of conservation practices in the watershed. Under these two programs (WRCS and NPS), the producer can implement "best management practices" that will reduce pollution from the land and apply for reimbursement of up to 70% of the cost of the improvements. The proposed cost-share agreement stipulates that the City will pay the remainder of the costs for the improvements (30%) in the watershed. Producers will not be eligible for any costs that exceed the County Average Cost for such improvements. Administration of the funds will be through the Cheney Watershed Citizens' Management Committee.

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The agreement will help facilitate the creation of partnerships between the producers in the watershed and the City to reduce pollution entering Cheney Reservoir. All counties in the watershed, Stafford, Pratt, and Kingman, have agreed to participate. Projects completed in these counties will be submitted to the City through the Reno County Conservation District.

There are several alternatives the City could pursue in reducing or eliminating pollution in Cheney Reservoir.

- 1) Participate in this program. The WRCS and NPS programs would provide 70% of the funds used to correct pollution problems in the basin, with the remaining 30% coming from the City.
- 2) Wait until the pollution problems are more severe. If this alternative were selected, the City would risk available funding sources. Furthermore, customer dissatisfaction with taste and odor, and the cost of treating it, would have a detrimental impact.
- 3) Forego efforts to work in the basin and respond to the water quality in the reservoir. Poor water quality in the reservoir could be treated by using various methods, such as granular activated carbon, ozone, or other such methods. The cost could be as high as \$800,000 per year to remove the taste and odor compounds in the water, but would not remove the sediment entering the reservoir. To remove sediment once it is there, and thus extend the life of the reservoir, would require the sediment to be dredged which is costly and an environmentally destructive process.

Total costs to the City shall not exceed \$78,436 for WRCS and \$47,644 for NPS in fiscal year 2001 for a total combined of \$126,080 in fiscal year 2001. The City has allocated \$300,000 in 2000 and 2001.

Motion --  
-- carried

Knight moved that Memorandum of Understanding be approved and the necessary signatures be authorized. Motion carried 6 to 0. (Rogers absent)

## **RESPREAD SPECIALS RESPREAD ASSESSMENTS – OAK RIDGE SECOND ADDITION, NORTH OF 29TH STREET NORTH, EAST OF TYLER.** (District V)

Agenda Report No. 00-1008.

The developer, Freedom Development, Inc., has submitted an Agreement to respread special assessments within Oak Ridge Second Addition.

The land was originally included in an improvement district for a water distribution system project. The purpose of the Agreement is to respread special assessments to more fairly distribute the cost of the improvement.

There is no cost to the City.

Motion --  
-- carried

Knight moved that the Agreement/Contract be approved and the necessary signatures be authorized. Motion carried 6 to 0. (Rogers absent)

## **ART MUSEUM**

### **ART MUSEUM EXPANSION PROJECT MANAGEMENT.**

Agenda Report No. 00-1009.

On November 18, 1997, the City Council approved a change in the Museum's governance and entered into a Contract with the Wichita Art Museum, Inc., not-for-profit entity, to manage and operate the Museum under the direction of the City Council. Under the terms of the Agreement, a new Board of Trustees would be contractually responsible to the City for all aspects of the Museum's operations.

In 1998, the newly appointed Board initiated discussions to correct the problems associated with the 1977 addition to the museum as it pertains to the main entrance. The Board also discussed expanding the facility to include additional galleries and spaces for art collection care and visitor amenities.

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On May 4, 1999, the City Council approved funding to hire a design consultant for the expansion project. Council deferred the decision on funding pending review and action of the Capital Improvements Program.

The architectural firm of Schaefer Johnson Cox & Frey has completed the design and working drawings for the expansion. The project will add 35,000 square feet, increase gallery space by 43% and allow the visiting public better access.

An Agreement between the City of Wichita and the Wichita Art Museum, Inc. has been prepared to provide for the financing and management of the expansion project for the Wichita Art Museum.

Highlights of the Expansion Agreement are as follows:

- The City agrees to undertake and be responsible for the PROJECT in accordance with the approved Capital Improvement Program.
- The City will maintain two capital project accounts. The City Capital PROJECT Account will be drawn against first until monies in the account are expended before the Museum Capital PROJECT Account is charged for the PROJECT.
- The City shall provide \$6 million for the PROJECT to be placed in the Construction Fund in accordance with a payment schedule to be provided in the Capital Improvement Program.
- The Museum shall provide \$4.5 million as its share of PROJECT Costs.
- The City agrees and intends to provide initial bond financing for up to the entire PROJECT cost including any shortfall.
- The Museum will be responsible for any shortfall if it has had the opportunity to review and approve all expenses for the Project before they are incurred.
- Any loss due to interest against borrowed funds will be included as a Capital expense; any gain due to interest will become part of the funds that may be used for the Construction PROJECT.

The 2001 – 2010 Capital Improvement Program (CIP) provides for \$864,000 in 2000, \$7,194,000 in 2001, and \$2,442,000 in 2002 for the expansion project (CA-9224, PROJECT #435-300, OCA #792329).

Motion --  
-- carried

Knight moved that Agreement be approved; the Resolution be adopted; and the necessary signatures be authorized. Motion carried 6 to 0. (Rogers absent)

## RESOLUTION NO. R-00-372

A Resolution amending Resolution No. R-99-149 of the City of Wichita, Kansas, to pay all or a portion of the costs of designing and constructing modifications to and an expansion of the Wichita Art Museum and authorizing the issuance of bonds by the City of Wichita at large, presented. Knight moved that Resolution be adopted. Motion carried 6 to 0. Yeas: Cole, Gale, Lambke, Martz, Pisciotte, Knight. (Rogers absent).

KDOT

## **AGREEMENT FOR CONSTRUCTION ENGINEERING SERVICES FOR GYPSUM CREEK BIKEPATH.** (District III)

Agenda Report No. 00-1010.

On November 28, 1995, the City approved an Agreement with Baughman Company, P.A. for the design of a bike path from Cessna Park to Turnpike Drive. The project is financed by a combination of City General Obligation Bonds and federal funds administered by the Kansas Department of Transportation (KDOT). On November 28, 1995, the City Council entered into Agreement with KDOT for construction funding. February 11, 1997, the City Council entered into Agreement for construction engineering services.

The Design Agreement with Baughman requires Baughman to provide construction engineering services if requested by the City. Due to the current workload created by previous projects, City crews



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are not available to perform the construction engineering services for this project. An Agreement between the City and Baughman for construction engineering services has been prepared.

A bike path will connect to a proposed bike path north of Cessna Park and will go south to Turnpike Drive.

KDOT will reimburse the City of 80% percent of the cost for construction engineering services, which has an upper limit of \$31,670.

Motion --  
-- carried

Knight moved that the Agreement/Contract be approved and the necessary signatures be authorized. Motion carried 6 to 0. (Rogers absent)

## SETTLEMENT

### SETTLEMENT AND RELEASE AGREEMENT – GILBERT & MOSLEY.

Agenda Report No. 00-1011.

On October 7, 1998, the City of Wichita filed a lawsuit against twenty-six parties in City of Wichita v. Aero Holdings, et al., No. 98-1360-MLB. The City alleged that these parties were responsible for the groundwater contamination in the Gilbert & Mosley site and sought to recover the costs of investigating and cleaning up the site. Several of the defendants have already settled the City's claims and an additional party now proposes to settle.

Under the proposed Settlement and Release Agreement with Donlevy Lithograph, Inc. ("Donlevy"), the City would dismiss its claims against Donlevy for response costs in the Gilbert & Mosley Site. In return, Donlevy would pay the City the sum of \$20,000. The parties will seek Court approval of the settlement.

The total value to the City for this settlement is \$20,000.00. The settlement sum will be paid into the Gilbert & Mosley TIF fund as received and be used for the expenses of the Project.

Motion --  
-- carried

Knight moved that the settlement and release Agreement be approved and the necessary signatures be authorized. Motion carried 6 to 0. (Rogers absent)

## NE SOCCER

### SUPPLEMENTAL AGREEMENT FOR NORTHEAST SOCCER AND BASEBALL PARKING – 29<sup>TH</sup> STREET NORTH AND GREENWICH ROAD. (District II)

Agenda Report No. 00-1012.

On December 22, 1998, the City entered into an Agreement with MKEC Engineering Consultants, Inc. (MKEC) for designing the Northeast Soccer and Baseball Parking. The fee was \$21,500.

MKEC has been asked to design construction plans (landscape and irrigation) for the entry to the Northeast Soccer and Baseball Complex. A Supplemental Agreement has been prepared.

Payment to MKEC for the Supplemental Agreement will be made on a lump sum basis of \$4,450. The funding source is General Obligation Bonds.

Motion --  
-- carried

Knight moved that the Agreement/Contract be approved and the necessary signatures be authorized. Motion carried 6 to 0. (Rogers absent)

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## DESIGN SERVICES

### **SUPPLEMENTAL AGREEMENT FOR NORTHEAST TRANSMISSION FACILITY, PHASE II.** (Districts I, II, and VI)

Agenda Report No.00-1013.

On July 18, 1995, the City Council approved the design of the Northeast Transmission Facility. On February 27, 1996, the City Council entered into an Agreement with Professional Engineering Consultants, P.A. (PEC) to design the facility. The fee was \$91,500. The project consists of the design of approximately 13,000 feet of 48-inch water main from the Hess Pump Station to a location near Murdock and Piatt Street. PEC was also required to determine optional routings and pipe sizes from Murdock and Piatt east to Webb Road.

On December 17, 1996, the City Council approved Supplemental Agreement Number 1, which required PEC to revise the alignment of a 48-inch water line (approximately 13,000 additional lineal feet), from the Hess Pump Station, connecting to the water system at Fountain and the railroad near the Roosevelt Elevated Water Tank. The fee was \$80,400.

On March 25, 1997, the City Council approved Supplemental Agreement Number 2, which required PEC to perform a title search and prepare tract drawings for easements along the railroad right-of-way. The fee was \$23,000.

On August 4, 1998, the City Council approved Supplemental Agreement Number 3, which required PEC to revise the plans for the facility so the project can be bid in three parts. The fee was \$1,950.

On August 25, 1998, the City Council approved Supplemental Agreement Number 4, which required PEC to design plans for 21,000 additional lineal feet of 48-inch and 36-inch water transmission line from 15th Street North and the San Francisco-Burlington Northern Railroad tracks, extending east parallel to the tracks to Webb Road, thence north on Webb Road to the 21st Street North/Webb Road Booster Pump Station (Phase II). The fee was \$125,400.

PEC has been asked to design an aerial crossing at the railroad bridge located between Webb Road and Rock Road near Wilson Estates Addition. Supplemental Agreement Number 5 has been prepared.

Payment to PEC for Supplemental Agreement Number 5 will be on a cost plus percentage of cost basis not to exceed \$12,500 and will be paid by funds available in the project budget. The funding source is Water Utility.

Motion --  
-- carried

Knight moved that the Agreement/Contract be approved and the necessary signatures be authorized.  
Motion carried 6 to 0. (Rogers absent)

## KDOT

### **AGREEMENT FOR CONSTRUCTION ENGINEERING SERVICES FOR K-96 BIKEPATH – OLIVER TO EAST CITY LIMITS.** (Districts I and II)

Agenda Report No. 00-1014.

On February 8, 1994, the City approved an Agreement with Wilson Darnell Mann Architects (WDM) for the design of a bike path along the K-96 Expressway from Oliver to the East City Limits. The project is financed by a combination of City General Obligation Bonds and federal funds administered by the Kansas Department of Transportation (KDOT). On March 19, 1996, the City Council entered into Agreement with KDOT for construction funding. August 5, 1997, the City Council entered into Agreement for construction engineering services.

The Design Agreement with WDM requires WDM to provide construction engineering services if requested by the City. Due to the current workload created by previous projects, City crews are not available to perform the construction engineering services for this project. An Agreement between the City and WDM for construction engineering services has been prepared.

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A bike path will be constructed from a point near 29th and Oliver, through Chisholm Creek Park, and along the south side of K-96 to a point about ½ mile east of Webb Road.

KDOT will reimburse the City of 80% percent of the cost for construction engineering services, which has an upper limit of \$65,711.50.

Motion --  
-- carried

Knight moved that the Agreement/Contract be approved and the necessary signatures be authorized.  
Motion carried 6 to 0. (Rogers absent)

## DESIGN SERVICES

### **DESIGN SERVICES AGREEMENT FOR CESSNA ADDITION - SOUTH OF K-42, EAST OF RIDGE ROAD.** (District V)

Agenda Report No. 00-1015.

The City Council approved the project on September 12, 2000.

The proposed Agreement between the City and Professional Engineering Consultants, P.A. (PEC) provides for the design of bond financed improvements in Cessna Addition. Per Administrative Regulation 7a, staff recommends the selection of PEC because PEC provided the preliminary engineering services for the platting of the subdivision and can expedite plan preparation.

Payment will be on a lump sum basis of \$34,000, and will be paid by special assessments.

Motion --  
-- carried

Knight moved that the Agreement/Contract be approved and the necessary signatures be authorized.  
Motion carried 6 to 0. (Rogers absent)

## DESIGN SERVICES

### **SUPPLEMENTAL AGREEMENT FOR TWO-WAY MAIN STUDY - DOUGLAS TO MURDOCK.** (District I and VI)

Agenda Report No. 00-1016.

On May 9, 2000, the City entered into an Agreement with HWS Consulting Group, Inc. for designing two-way Main, from Douglas to Murdock. The fee was \$31,106.75.

HWS has been asked to expand the study area from Murdock on the north to 17th Street. A Supplemental Agreement has been prepared.

Payment to HWS for the Supplemental Agreement will be made on a lump sum basis of \$16,940.95. The funding source is General Obligation Bonds.

Motion --  
-- carried

Knight moved that the Agreement/Contract be approved and the necessary signatures be authorized.  
Motion carried 6 to 0. (Rogers absent)

## DESIGN SERVICES

### **DESIGN SERVICES AGREEMENT FOR BUCKHEAD THIRD ADDITION - NORTH OF CENTRAL - WEST OF 119TH STREET WEST.** (District V)

Agenda Report No. 00-1017.

The City Council approved the project on June 16, 1998.

The proposed Agreement between the City and Baughman Company, P.A. provides for the design of bond financed improvements in Buckhead 3rd Addition. Per Administrative Regulation 7a, staff recommends the selection of Baughman because Baughman provided the preliminary engineering services for the platting of the subdivision and can expedite plan preparation.

Payment will be on a lump sum basis of \$32,200, and will be paid by special assessments.

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Motion -- Knight moved that the Agreement/Contract be approved and the necessary signatures be authorized.  
-- carried Motion carried 6 to 0. (Rogers absent)

## **SA DEFERRAL LIEN RELEASE OF HARDSHIP DEFERRAL LIEN – SPECIAL ASSESSMENTS.**

Agenda Report No. 00-1018.

Special Assessment Hardship Deferral was granted in 1996 for deferral of paving assessment on Tax Key #D-29272. A requirement of receiving the Special Assessment Hardship Deferral was the filing of a lien on the property, to protect the City's financial interest in the event of the sale of the property to a non-eligible owner.

The property has been purchased by a new owner. The special assessment for paving was prepaid by the new owner.

There is no cost to the city.

Motion -- Knight moved that the release of Hardship Deferral Lean be approved and the necessary signatures be  
-- carried authorized. Motion carried 6 to 0. (Rogers absent).

## **UTILITY EASEMENT UTILITY EASEMENTS FOR SANITARY SEWER. (District V)**

Agenda Report No. 00-1019.

The City of Wichita installs sanitary sewers within public easements. Temporary construction easement is sometimes necessary to facilitate the construction of the sewers.

The easements are for the construction of sanitary sewers which will serve the northwest portion of the City.

There are no financial considerations.

Motion -- carried Knight moved that documents be received and filed. Motion carried 6 to 0. (Rogers absent).

## **EMERG. SHELTER EMERGENCY SHELTER FOR THE HOMELESS. (District VI)**

Agenda Report No. 00-1020.

The City's 2000 budget includes an appropriation for emergency allocations to assist homeless shelters in meeting shelter emergencies during cold weather conditions. The Homeless Services Coalition and the Inter-Faith Ministries have requested \$8,250 for partial funding of the 2000-2001 winter overflow shelter. The balance of the funds is requested from the County and United Way.

The Winter Overflow Shelter has operated for several years during the coldest months of the winter to provide shelter to those in need of emergency overnight shelter. These individuals are usually persons who do not seek assistance from traditional shelters. This emergency shelter service will operate from December 1 through February 28 and will be housed for two-week periods at several downtown churches. The emergency shelter program will provide services from 6:00 p.m. until 6:45 a.m. Residents are given beds and are provided an evening meal and breakfast, usually by the host or affiliated congregation.

Efforts are also made to refer the participants in the program to other mainline services in the community.

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Statistics from the 1999-2000 overflow shelter indicate that a total of 565 persons received at least one night of shelter, and that 39 of these were children.

The total budget for the Overflow Shelter program is \$24,550. This is an increase of \$2,250 from 1999-2000 program caused by the need to buy new beds . The City, Sedgwick County, and United Way have each been requested to provide \$8,250, or an increase of \$750 each. Additional in-kind resources, primarily facilities and food, will be provided by the participating churches. Funds have also been requested from United Way and Sedgwick County.

If approved by the City Council, a contract will be executed between the City and Inter-Faith Ministries of Wichita, Inc.

Motion --

-- carried

Knight moved that funding for the overflow shelter in the amount of \$8,250, contingent upon similar funding from Sedgwick County and United Way, be approved; and the necessary signatures be authorized. Motion carried 6 to 0. (Rogers absent)

## SECTION 8

### SECTION 8 HOMEOWNERSHIP PROGRAM.

Agenda Report No. 00-1021.

The Quality Housing and Work Responsibility Act of 1998, otherwise known as the 1998 Housing Reform Act, included amendments to the 1937 Housing Act which will allow Housing Authorities to use Section 8 vouchers to assist eligible program participants to become homeowners. On April 12, 2000, HUD issued proposed regulations to implement a Section 8 Homeownership, and on July 11, the Council approved a plan to implement the program in accordance with the proposed rule.

On September 12, 2000, HUD issued the final rule for the homeownership program. Staff has reviewed the final rule and has made the necessary changes to the WHA Administrative Plan to bring it into compliance with the final rule. These changes were presented to, and approved by, the Board of Housing Commissioners at their meeting on September 28.

Major changes to the Plan approved by the Council in July include the following:

The definition of first time homeowner has been revised to include a single parent or displaced homemaker who, while married, owned a home with his or her spouse. In some cases it can also include a disabled person who may have owned a home within the past three years.

The proposed plan included a maximum period of assistance of 7 years. The final rule sets the maximum period of assistance at 15 years if the mortgage is for 20 or more years and 10 years for all other shorter mortgages. The rule does not allow the WHA to set a shorter maximum.

The minimum annual income has been set at the minimum wage times 2000 (currently \$10,300 per year), while the proposed rule had required a monthly income of twice the payment standard (based on fair market rents).

The final rule has been clarified to allow the purchase of homes currently under construction.

The final rule allows greater flexibility in the underwriting criteria to meet the local market.

The proposed rule had no recapture provisions if the home were sold, while the final rule requires the housing authority to recapture a declining percentage of profits over the first 10 years.

If the Council approves the proposed Administrative Plan amendments, the program can be implemented immediately. HUD approval is not required.

The Housing Authority will earn administrative fees on the same basis as under the Section 8 Rental Voucher program. The cost of administering this program may be somewhat greater than the cost of

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rental vouchers, however some of the cost of implementing the program such as the required homeownership training will be an eligible use of the program income from the sale of public housing.

Motion -- carried

Knight moved that revisions to the Administrative Plan be approved. Motion carried 6 to 0. (Rogers absent)

## IMP. WOODCHUCK

**IMPROVEMENTS TO WOODCHUCK, FROM LEARJET WAY TO KELLOGG, AND LEARJET WAY, FROM MID CONTINENT DRIVE TO 1800 FEET WEST OF MID CONTINENT DRIVE.** (District V)

Agenda Report No. 00-1022.

The 2001 Revised Capital Improvement Program includes a project to improve Woodchuck and Learjet Way to serve the Learjet industrial complex.

The work consists of widening Learjet Way to three lanes between Mid Continent Drive and the Learjet plant and paving Woodchuck as a two-lane industrial street south of Kellogg. At the present time, Woodchuck is a one-block sand street south of Kellogg.

The project budget is \$850,000, with \$350,000 paid by General Obligation Bonds, \$250,000 by the Economic Development Trust Fund and \$250,000 by Sedgwick County.

Motion -- carried

Knight moved that the project be approved and the Ordinance be placed on first reading. Motion carried 6 to 0. (Rogers absent)

## ORDINANCE

An Ordinance declaring Woodchuck, from Learjet Way to Kellogg and Learjet Way, from Mid-Continent Drive to 1800 Feet west of Mid-Continent Drive (472-83286) to be a main trafficway within the City of Wichita, Kansas, declaring the necessity of and authorizing certain improvements to said main trafficway; and setting forth the nature of said improvements, the estimated costs thereof, and the manner of payment of same, introduced and under the rules laid over.

## EQUIPMENT

**PURCHASE OF CAMERA TRANSPORTER – WATER AND SEWER DEPARTMENT.**

Agenda Report No. 00-1023.

The 48-inch raw water supply line which runs from the Water Treatment Plant to the floodway is to be sliplined as part of Capital Improvement Program W-806. Television inspection of the interior of the raw water line is required as part of the project. The Water & Sewer Department currently has the capability of televising interiors of pipelines up to 15 inches in diameter using present equipment.

The Water & Sewer Department can use the camera it presently owns if a transporter for large diameter water lines is purchased. This would include a camera lift and wheels, power supplies for large line lights and video cable. In addition, the acquisition of a large-diameter transporter will enable the department to inspect the large sewer interceptors, which we cannot inspect at the present time with existing equipment. Due to compatibility factors, mechanical and electronic, the transporter must be acquired from a sole source vendor.

A transporter for 36-inch and larger diameter lines will cost an estimated \$30,000. Contractors have estimated that providing television inspection information of the interior of the pipeline prior to their bidding could lower the bid by as much as \$1 million. Capital Improvement Program W-806, Raw Water Pipeline Repairs, has available funds of \$3.4 million.

Purchasing Ordinance No. 35-856, Section 2(b), provides for the purchase of equipment and supplies from sole sources without advertising for bids. The purchase will be made from sole source, Aries, Inc.

Motion --carried

Knight moved that the purchase be approved. Motion carried 6 to 0. (Rogers absent)

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## PROPERTY ACQ.

### **ACQUISITION OF PORTION OF NORTHWEST CORNER OF KELLOGG AND WOODCHUCK FOR THE WEST KELLOGG/TYLER AND MAIZE HIGHWAY IMPROVEMENT PROJECT.** (District V)

Agenda Report No. 00-1024.

In November 1999, the City Council approved Ordinance 44-429 authorizing funding for the Kellogg/Tyler & Maize Highway project. This approval allowed the City to initiate acquisition of needed parcels. One such acquisition is located at the northwest corner of Kellogg and Woodchuck and is owned by Niche Ventures. The site contains 68,907 square feet and is currently unimproved. The taking involves a strip along the south side of the property.

The taking has been appraised for \$23,000 and the owner has agreed to sell the property for this amount.

Funds have been budgeted in the 2000 Capital Improvement Program. The funding source will be Local Sales Tax revenues. A budget of \$23,500 is requested. This includes \$23,000 for the acquisition and \$500 for closing costs and title insurance.

Motion --

Knight moved that the budget and the Contract be approved; and the necessary signatures be authorized. Motion

-- carried

carried 6 to 0. (Rogers absent)

## PROPERTY ACQ.

### **ACQUISITION OF 1530 SOUTH MAIZE ROAD FOR THE WEST KELLOGG/TYLER AND MAIZE HIGHWAY IMPROVEMENT PROJECT.** (District V)

Agenda Report No. 00-1025.

In November 1999, the City Council approved Ordinance 44-429 authorizing funding for the Kellogg/Tyler & Maize Highway project. This approval allowed the City to initiate acquisition of needed total acquisitions. One such property is located at 1530 S. Maize Road and is owned by QuikTrip West, Incorporated. The site contains 43,010 square feet and is improved with a 4,004 square foot retail sales facility built in 1995.

The property is valued at \$1,419,000. The owner has proposed constructing a replacement facility to be located to the Northeast of the existing facility. Based on the actual costs to replace the facility, and the owner acquiring the replacement property, the property value to acquire the property was reduced to \$1,800,000 from initial values well exceeding \$2,000,000. The owner has agreed to sell the property for \$1,800,000. Due to the timing of the project, the site will be cleared when the owner vacates on April 30, 2001.

Funds have been budgeted in the 2000 Capital Improvement Program. The funding source will be Local Sales Tax revenues. A budget of \$1,900,000 is requested. This includes \$1,800,000 for the acquisition, \$90,000 for demolition and tank removal and \$10,000 for closing costs, surveys and title insurance.

Motion --

-- carried

Knight moved that the budget and the Contract be approved; and the necessary signatures be authorized. Motion carried 6 to 0. (Rogers absent)

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## PROPERTY ACQ.

### **ACQUISITION OF PORTION OF NORTHEAST CORNER OF KELLOGG AND MAIZE ROAD FOR THE WEST KELLOGG/TYLER & MAIZE HIGHWAY IMPROVEMENT PROJECT.** (District V)

Agenda Report No. 00-1026.

In November 1999, the City Council approved Ordinance 44-429 authorizing funding for the Kellogg/Tyler & Maize Highway project. This approval allowed the City to initiate acquisition of needed parcels. One such property is located at the Northeast corner of Kellogg and Maize Road and is owned by QuikTrip West, Incorporated. The site contains 11,840 square feet and is currently unimproved. The taking involves a strip along the east and south sides of the property.

The property is valued at \$87,852.80 and the owner has agreed to sell the property for this amount. The owner has proposed constructing a replacement facility to be located to the Northeast of the existing facility.

Funds have been budgeted in the 2000 Capital Improvement Program. The funding source will be Local Sales Tax revenues. A budget of \$90,000 is requested. This includes \$87,852.80 for the acquisition and \$2,147.20 for closing costs, survey and title insurance.

Motion --  
-- carried

Knight moved that the budget and the Contract be approved; and the necessary signatures be authorized. Motion carried 6 to 0. (Rogers absent)

## ORDINANCES

### **SECOND READING ORDINANCES: (FIRST READ OCTOBER 3, 2000)**

- a) Tax exemption – JR Custom Metal Products, Inc. (District IV)

#### ORDINANCE NO. 44-796

An Ordinance exempting property from ad valorem taxation for economic development purposes pursuant to Article 11, Section 13, of the Kansas Constitution; providing the terms and conditions for ad valorem tax exemption; and describing the property of JR Custom Metal Products, Inc., so exempted, read for the second time. Knight moved that the Ordinance be placed upon its passage and adopted. Motion carried 6 to 0. (Rogers absent) Yeas: Cole, Gale, Lambke, Martz, Pisciotte, Knight.

- b) Lawn Sprinkling Code (Title 17) – repeal of surety bond requirements for licensed lawn sprinkler contractors.

#### ORDINANCE NO. 44-797

An Ordinance amending Section 17.08.015 of the Code of the City of Wichita, Kansas, and repealing the originals thereof; all pertaining to the Lawn Sprinkling Code of the City of Wichita, Kansas, read for the second time. Knight moved that the Ordinance be placed upon its passage and adopted. Motion carried 6 to 0. (Rogers absent) Yeas: Cole, Gale, Lambke, Martz, Pisciotte, Knight.

- c) K-96 Bikepath, Gypsum Creek Bikepaths, I-235 Landscaping, and Broadway, between Kellogg and Douglas. (Districts I, II, and VI)

#### ORDINANCE NO. 44-798

An Ordinance amending Ordinance No. 44-213 of the City of Wichita, Kansas, declaring Broadway, from Kellogg to Douglas (472-82412) to be a main trafficway within the City of Wichita, Kansas; declaring certain improvements to said main trafficway; and setting forth the nature of said improvements, the estimated costs thereof, and the manner of payment of the same, read for the second time. Knight moved that the Ordinance be placed upon its passage and adopted. Motion carried 6 to 0. (Rogers absent) Yeas: Cole, Gale, Lambke, Martz, Pisciotte, Knight.



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d) A 99-33 – north and south of 71st Street South, between Hillside Avenue and the Big Arkansas River. (District III)

## ORDINANCE NO. 44-799

An Ordinance including and incorporating certain blocks, parcels, and tracts of land within the limits and boundaries of the City of Wichita, Kansas, read for the second time. Knight moved that the Ordinance be placed upon its passage and adopted. Motion carried 6 to 0. (Rogers absent) Yeas: Cole, Gale, Lambke, Martz, Pisciotte, Knight. A 99-33

### (FIRST READ SEPTEMBER 19, 2000)

f) Industrial Revenue Bonds – Voicestream Wireless Project

## ORDINANCE NO. 44-727

An Ordinance of the City of Wichita, Kansas, authorizing the issuance of \$7,500,000 aggregate principle amount of taxable Industrial Revenue Bonds, Series IV-A, 2000 (Voicestream Wireless Project) and \$2,644,764.18 aggregate principal amount of subordinated taxable Industrial Revenue Bonds, Series IV-B, 2000 (Voicestream Wireless Project) for the purpose of providing funds to acquire, construct and equip a customer service call center; prescribing the form and authorizing execution of a trust indenture by and between the City and Commerce Bank, N.A., as Trustee with respect to each series of the bonds; prescribing the form and authorizing the execution of a Lease Agreement by and between the City and VSD Property, L.L.C.; approving the form of a guaranty agreement; approving the sublease of the project to Voicestream Wireless Corporation; authorizing the execution of subordination, non-disturbance and Attornment Agreement by and among the City, VS Property, LLC, and Voicestream Wireless Corporation; authorizing the execution of a Series A Bond Placement Agreement by and among the City, VS Property L.L.C., and Froggatte & Company, as placement agent for the Series IV-a, 2000 Bonds and authorizing the execution of a Series B Bond Placement Agreement by and between the City and VS Property, L.L.C., as purchaser of the Series IV-B, 2000 Bonds, read for the second time. Knight moved that the Ordinance be placed upon its passage and adopted. Motion carried 6 to 0. (Rogers absent) Yeas: Cole, Gale, Lambke, Martz, Pisciotte, Knight.

Council Member Rogers present.

Mayor Knight left the Bench; Vice Mayor Lambke in the Chair.

### PLANNING AGENDA

Marvin Krout

Director of Planning stated that all Items, except 35 and 37, could be considered as consensus Items unless the Council desired to withhold other Items.

Motion --  
-- carried

Lambke moved that the Planning Agenda Items, except Items 35 and 37, be approved as consensus Items. Motion carried 6 to 0. (Knight absent)

**DED 2000-24**

### **DED 2000-24 – DEDICATION OF A UTILITY EASEMENT LOCATED ON THE SOUTHWEST CORNER OF PAWNEE AND OLIVER.** (District III)

Agenda Report No. 00-1028.

MAPC Recommendation: Accept the Dedication.

This Dedication is a requirement of associated Lot Split No. SUB 2000-34 and is being dedicated for the purpose of construction and maintenance of public utilities.

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The Dedication has been reviewed and approved by the Planning Commission.

Motion --  
-- carried

Lambke moved that documents be received and filed and the necessary signatures be authorized.  
Motion carried 6 to 0. (Knight absent)

**VAC2000-00035**

**VAC2000-00035 – VACATE PORTION OF BUILDING SETBACK LOCATED AT THE NORTHWEST CORNER OF 47TH STREET SOUTH AND BROADWAY.** (District IV)

Agenda Report No. 00-1029.

Staff Recommendation: Approve vacation of a portion of a building setback.  
MAPC Recommendation: Approve vacation of a portion of a building setback. (unanimous)

The Applicant is requesting to vacate 15 feet of a portion of the 75 foot building setback along the southern property line to allow for the construction of fueling facilities for the existing supermarket. This site is part of the Dillon's Commercial C.U.P. {DP-216}. The applicant will be required to submit an Administrative C.U.P. Adjustment to reduce the 75 foot building setback along the southern property line to 60 feet on the C.U.P.

No one spoke in opposition to this request at the MAPC's advertised public hearing, and the MAPC voted to approve the vacation, adopting the findings of fact that are incorporated in the Vacation Order, subject to the applicant shall submit an Administrative C.U.P. Adjustment to reduce a portion of the 75 foot building setback along the southern property line on the C.U.P. to 60 feet. No written protests have been filed.

Motion --  
-- carried

Lambke moved that the Vacation Order be approved and the necessary signatures be authorized.  
Motion carried 6 to 0. (Knight absent)

**VAC2000-00036**

**VAC2000-00036 – VACATE BUILDING SETBACK AND UTILITY EASEMENT LOCATED AT THE SOUTHWEST CORNER OF CENTRAL AND ROCK.** (District II)

Agenda Report No. 00-1030.

Staff Recommendation: Approve vacation of building setback and utility easement.  
MAPC Recommendation: Approve vacation of building setback and utility easement (unanimous)

The applicants are requesting to vacate 20 feet of a 70-foot building setback along with the 10-foot utility easement for the construction of fueling facilities for the existing supermarket. This site is part of the Rockwood Center Commercial C.U.P. (DP-41). The Applicant will be required to submit an Administrative C.U.P. Adjustment to reduce a portion of the 70-foot building setback along the northern property line to 50 feet on the C.U.P.

No one spoke in opposition to this request at the MAPC's advertised public hearing, and the MAPC voted to approve the vacation, adopting the findings of fact that are incorporated in the Vacation Order, subject to the applicant submitting an Administrative C.U.P. Adjustment to reduce a portion of the 70-foot building setback along the northern property line on the C.U.P. to 50 feet. No written protests have been filed.

Motion --  
-- carried

Lambke moved that the Vacation Order be approved and the necessary signatures be authorized.  
Motion carried 6 to 0. (Knight absent)

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**VAC2000-00039**

**VAC2000-00039 – VACATE PORTION OF BUILDING SETBACK LOCATED AT THE NORTHWEST CORNER OF CENTRAL AND WOODCHUCK.** (District V)

Agenda Report No. 00-1031.

Staff Recommendation: Approve vacation of a portion of a building setback.

MAPC Recommendation: Approve vacation of a portion of a building setback. (unanimous)

The applicant is requesting to vacate a portion of the 35-foot building setback along the eastern property line to allow for the installation of an environmental equipment trailer. This site is part of the Tyler Acres C.U.P. (DP-11). The applicant will be required to submit an Administrative C.U.P. Adjustment to reduce the 35 foot building setback along the eastern property line on the C.U.P.

No one spoke in opposition to this request at the MAPC's advertised public hearing, and the MAPC voted to approve the vacation, adopting the findings of fact that are incorporated in the Vacation Order, subject to the applicant shall submit an Administrative C.U.P. Adjustment to reduce a portion of the 35-foot building setback along the eastern property line on the C.U.P., and the applicant shall provide additional landscaping along Woodchuck. No written protests have been filed.

Motion --  
-- carried

Lambke moved that the Vacation Order be approved and the necessary signatures be authorized.  
Motion carried 6 to 0. (Knight absent)

**S/D 00-07**

**S/D 00-07 PLAT OF ZOO BUSINESS PARK LOCATED ON THE NORTH SIDE OF 21ST STREET NORTH, EAST OF HOOVER ROAD.** (District V)

Agenda Report No. 00-1032.

Staff Recommendation: Approve the plat.

MAPC Recommendation: Approve the plat. (12-0)

A zone change (SCZ-0801) from SF-20, Single-Family Residential and LC, Limited Commercial to LI, Limited Industrial has been approved for this site subject to platting. Subsequent to the zone change, the site has been annexed by the City.

Lot 10 has been approved by the County Health Department for the use of temporary on-site sanitary sewer facilities. A restrictive covenant has been provided in this regard. Petitions, 100%, have been submitted for sanitary sewer, City water, and drainage improvements. A Certificate of Petitions have also been submitted. In order to provide for the ownership and maintenance of the reserves, the applicant has submitted a restrictive covenant. As required by the drainage plan for this site, an off-site drainage agreement has been obtained by the Applicant.

This plat has been reviewed and approved by the Planning Commission, subject to conditions and recording within thirty (30) days. Publication of the ordinance should be withheld until such time as the Plat is recorded with the Register of Deeds.

The Certificate of Petitions, restrictive covenants and off-site drainage agreement will be recorded with the Register of Deeds.

Motion --  
  
-- carried

Lambke moved that the documents and plat be approved; the necessary signatures be authorized; the associated zone change SCZ-0801 Ordinance be placed on first reading with publication of the Ordinance being withheld until such time as the plat has been recorded with the Register of Deeds; and the Resolutions be adopted. Motion carried 6 to 0. (Knight absent)

## RESOLUTION NO. R-00-358

Resolution of findings of advisability and Resolution authorizing construction of Water Distribution System Number 448-89501, (north of 21st Street, east of Hoover) in the City of Wichita, Kansas,

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pursuant to findings of advisability made by the Governing Body of the City of Wichita, Kansas, presented. Lambke moved that the Resolution be adopted. Motion carried 6 to 0. Yeas: Cole, Gale, Lambke, Martz, Pisciotte, Rogers. (Knight absent)

## RESOLUTION NO. R-00-359

Resolution of findings of advisability and Resolution authorizing construction of Water Distribution System Number 448-89502, (north of 21st Street, east of Hoover) in the City of Wichita, Kansas, pursuant to findings of advisability made by the Governing Body of the City of Wichita, Kansas, presented. Lambke moved that the Resolution be adopted. Motion carried 6 to 0. Yeas: Cole, Gale, Lambke, Martz, Pisciotte, Rogers. (Knight absent)

## RESOLUTION NO. R-00-360

Resolution of findings of advisability and Resolution authorizing construction of Main 20, Southwest Interceptor Sewer – Phase I, (north of 21st Street, east of Hoover) 468-83160, the City of Wichita, Kansas, pursuant to findings of advisability made by the Governing Body of the City of Wichita, Kansas, presented. Lambke moved that the Resolution be adopted. Motion carried 6 to 0. Yeas: Cole, Gale, Lambke, Martz, Pisciotte, Rogers. (Knight absent)

## RESOLUTION NO. R-00-361

Resolution of findings of advisability and Resolution authorizing construction of Lateral 1, Main 20, Southwest Interceptor Sewer, (north of 21st Street, east of Hoover), 468-83161, the City of Wichita, Kansas, pursuant to findings of advisability made by the Governing Body of the City of Wichita, Kansas, presented. Lambke moved that the Resolution be adopted. Motion carried 6 to 0. Yeas: Cole, Gale, Lambke, Martz, Pisciotte, Rogers. (Knight absent)

## RESOLUTION NO. R-00-362

Resolution of findings of advisability and Resolution authorizing construction of Storm Water Drain No. 154, (north of 21st Street, east of Hoover), 468-83162, in the City of Wichita, Kansas, pursuant to findings of advisability made by the Governing Body of the City of Wichita, Kansas, presented. Lambke moved that the Resolution be adopted. Motion carried 6 to 0. Yeas: Cole, Gale, Lambke, Martz, Pisciotte, Rogers. (Knight absent)

## RESOLUTION NO. R-00-363

Resolution of findings of advisability and Resolution authorizing construction of Storm Water Drain No. 155 (north of 21st Street, east of Hoover), 468-83163, in the City of Wichita, Kansas, pursuant to findings of advisability made by the Governing Body of the City of Wichita, Kansas, presented. Lambke moved that the Resolution be adopted. Motion carried 6 to 0. Yeas: Cole, Gale, Lambke, Martz, Pisciotte, Rogers. (Knight absent)

## RESOLUTION NO. R-00-364

Resolution of findings of advisability and Resolution authorizing improving of Zoo Park Circle, from the north line of 21st Street North to and including the cul-de-sac, (north of 21st Street, east of Hoover), 472-83274, in the City of Wichita, Kansas, pursuant to findings of advisability made by the Governing Body of the City of Wichita, Kansas, presented. Lambke moved that the Resolution be adopted. Motion carried 6 to 0. Yeas: Cole, Gale, Lambke, Martz, Pisciotte, Rogers. (Knight absent)

## ORDINANCE

An Ordinance changing the zoning classifications or districts of certain lands located in the City of Wichita, Kansas, under the authority granted by Section 28.04.210, the Code of the City of Wichita, Kansas, introduced and under the rules laid over. SCZ-0801

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**S/D 99-28**

**S/D 99-28 PLAT OF LAMBERT-BAIRD SECOND ADDITION LOCATED ON THE NORTH SIDE OF 47TH STREET SOUTH, WEST OF OLIVER. (SEDGWICK COUNTY)**

Agenda Report No. 00-1033.

Staff Recommendation: Approve the plat.  
MAPC Recommendation: Approve the plat. (12-0)

This plat is zoned LI, Limited Industrial and is located in the County within three miles of Wichita's City limits.

Public water and sewer will be provided from Oaklawn to serve the site and associated petitions will be handled by Oaklawn. The site is within the noise impact area of McConnell Air Force Base and an avigational easement and restrictive covenant were required.

This plat has been reviewed and approved by the Planning Commission, subject to conditions and recording within thirty (30) days.

The avigational easement and restrictive covenant will be recorded with the Register of Deeds.

Motion --  
-- carried

Lambke moved that documents and plat be approved; and the necessary signatures be authorized.  
Motion carried 6 to 0. (Knight absent)

**S/D 99-84**

**S/D 99-84 PLAT OF RIDGE PORT THIRD ADDITION LOCATED NORTH OF 29TH STREET NORTH, EAST OF RIDGE ROAD.** (District V)

Agenda Report No. 00-1034.

Staff Recommendation: Approve the plat.  
MAPC Recommendation: Approve the plat. (11-0)

This plat is zoned SF-6, Single-Family Residential.

Petitions, all 100%, have been submitted for paving and water improvements. A Certificate of Petitions has also been submitted. In order to provide for the ownership and maintenance of the reserves, the applicant has submitted a restrictive covenant. To provide for off-street parking for lots adjacent to narrow streets, a covenant has also been submitted requiring that four (4) off-street spaces be provided for each such lot.

This plat has been reviewed and approved by the Planning Commission, subject to conditions and recording within thirty (30) days.

The Certificate of Petitions and restrictive covenant will be recorded with the Register of Deeds.

Motion --  
-- carried

Lambke moved that documents and plat be approved; the Resolutions be adopted; and the necessary signatures be authorized. Motion carried 6 to 0. (Knight absent)

## RESOLUTION NO. R-00-365

Resolution of findings of advisability and Resolution authorizing construction of Water Distribution System Number 448-89506 (east of Ridge Road, north of 29th Street North), the City of Wichita, Kansas, pursuant to findings of advisability made by the Governing Body of the City of Wichita, Kansas, presented. Lambke moved that the Resolution be adopted. Motion carried 6 to 0. Yeas: Cole, Gale, Lambke, Martz, Pisciotte, Rogers. (Knight absent)

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## RESOLUTION NO. R-00-366

Resolution of findings of advisability and Resolution authorizing construction of Water Distribution System Number 448-89507 (east of Ridge Road, north of 29th Street North), in the City of Wichita, Kansas, pursuant to findings of advisability made by the Governing Body of the City of Wichita, Kansas, presented. Lambke moved that the Resolution be adopted. Motion carried 6 to 0. Yeas: Cole, Gale, Lambke, Martz, Pisciotte, Rogers. (Knight absent)

## RESOLUTION NO. R-00-367

Resolution of findings of advisability and Resolution authorizing improving of Northshore Boulevard, from the south line of Lot 21, Block 5, Ridge Port Addition, north to the north line of Northwind; on Northwind, from the west line of Northshore Boulevard as platted in Ridge Port Addition, west to the east line of Northwind Circle; on Northwind Circle, from the west line of Northwind, west to and including the cul-de-sac; and on Hazelwood, from the north line of Northwind, north to the north line of the Plat of Ridge Port Third Addition (east of Ridge Road, north of 29th Street North), 472-83278, in the City of Wichita, Kansas, pursuant to findings of advisability made by the Governing Body of the City of Wichita, Kansas, presented. Lambke moved that the Resolution be adopted. Motion carried 6 to 0. Yeas: Cole, Gale, Lambke, Martz, Pisciotte, Rogers. (Knight absent)

## RESOLUTION NO. R-00-368

Resolution of findings of advisability and Resolution authorizing improving of Shadow Lakes, from the east line of Lot 30, Block 6, east to the south line of Northshore Boulevard; Northshore Boulevard, from the east line of Shadow Lakes, north to the south line of Lot 21, Block 5; Shadow Lakes Court, Lots 31-34, Block 6, and Lots 37-41, Block 6; Northshore Court, from the west line of Northshore Boulevard, west to and including the cul-de-sac; Northwind, from the east line of Northshore Boulevard, north and east to the east line of the Plat; Northshore Circle, from the north line of Northwind, north and east to and including the cul-de-sac; and sidewalk to be constructed on both sides of Shadow Lakes from the east line of Lot 30, Block 6 to the south line of Northshore Boulevard, and on both sides of Northshore Boulevard from the east line of Shadow Lakes, north to the south line of Lot 21, Block 5 (east of Ridge Road, north of 29th Street North), 472-83279, in the City of Wichita, Kansas, pursuant to findings of advisability made by the Governing Body of the City of Wichita, Kansas, presented. Lambke moved that the Resolution be adopted. Motion carried 6 to 0. Yeas: Cole, Gale, Lambke, Martz, Pisciotte, Rogers. (Knight absent)

**SUB2000-51**

### **SUB2000-51 PLAT OF BELLOWS ADDITION LOCATED NORTH OF I-235, ON THE EAST SIDE OF SENECA.** (District VI)

Agenda Report No. 00-1035.

Staff Recommendation: Approve the plat.

MAPC Recommendation: Approve the plat. (8-0)

This plat is zoned SF-6, Single-Family Residential.

The site has been approved by the County Health Department for the use of on-site sanitary sewer and water facilities. Petitions, all 100%, have been submitted for future sanitary sewer and municipal water improvements. A Certificate of Petitions has also been submitted. In order to provide for the ownership and maintenance of the floodway reserve, the applicant has submitted a restrictive covenant.

This plat has been reviewed and approved by the Planning Commission, subject to conditions and recording within thirty (30) days.

The Certificates of Petitions and restrictive covenant will be recorded with the Register of Deeds.

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Motion --  
-- carried

Lambke moved that documents and plat be approved; the Resolutions be adopted; and the necessary signatures be authorized. Motion carried 6 to 0. (Knight absent)

## RESOLUTION NO. R-00-369

Resolution of findings of advisability and Resolution authorizing construction of Water Distribution System Number 448-89500 (north of I-235, east of Seneca), in the City of Wichita, Kansas, pursuant to findings of advisability made by the Governing Body of the City of Wichita, Kansas, presented. Lambke moved that the Resolution be adopted. Motion carried 6 to 0. Yeas: Cole, Gale, Lambke, Martz, Pisciotte, Rogers. (Knight absent)

## RESOLUTION NO. R-00-370

Resolution of findings of advisability and Resolution authorizing construction of Lateral 102, Sanitary Sewer No. 23, (north of I-235, east of Seneca), 468-83156 in the City of Wichita, Kansas, pursuant to findings of advisability made by the Governing Body of the City of Wichita, Kansas, presented. Lambke moved that the Resolution be adopted. Motion carried 6 to 0. Yeas: Cole, Gale, Lambke, Martz, Pisciotte, Rogers. (Knight absent)

Mayor Knight present and in the Chair.

(Agenda Item No. 35)

**CUP2000-00030; DP-203 CUP2000-00030; DP-203– AMENDMENT #1 – AMEND WHISPERING BROOK CUP TO ADJUST THE NUMBER, SIZES, AND USES OF PARCELS TO ADJUST ACCESS CONTROL AND CHANGE SIGNAGE RESTRICTIONS, LOCATED ON THE SOUTHWEST CORNER OF 37TH STREET NORTH AND WOODLAWN.** (District I)

Marvin Krout

Director of Planning reviewed the Item

Agenda Report No.00-1036.

MAPC Recommendation: Approve, subject to replatting within 1 year and to conditions (9-4).

DAB #1 Recommendation: Comments were provided.

Staff Recommendation: Approve, subject to replatting within 1 year and to conditions.

The applicant is requesting that DP-203 Whispering Brook C.U.P. be amended to reduce the C.U.P from five parcels to four parcels, as well as proposing changes to uses, location of access openings, and signage restrictions.

Currently, the C.U.P., which is 11.7 acres in size, has one large parcel, plus a small parcel on the northwest edge of the C.U.P., a small parcel on the southeast edge of the C.U.P., and two parcels near the intersection of 37th and Woodlawn. The proposed amendment would eliminate one of the parcels near the intersection, and shift the parcel on the northwest edge of the C.U.P. away from the adjoining residential development by 145 feet. The maximum building coverage would remain at 30 % and the floor area ratio would remain at 0.35. Building height would remain at 35 feet.

The existing C.U.P. permits only those uses listed for each parcel. The applicant has proposed that this be reversed to allow all uses in the "LC" zoning district except for the following excluded uses: adult entertainment establishments, group homes, group residential, correctional placement residences, private clubs, taverns and drinking establishments.

Also, the amendment would prohibit the following uses within 145 feet of the south and west property lines: convenience stores; service stations; free-standing fast food restaurants; and vehicle repair, limited. Currently these uses are prohibited within 175 feet of the south and west property line. The effect of the change is to reduce the buffer distance between these uses and the nearby residential areas by 30 feet.

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It is our understanding that a Dillons Store is under consideration for the main parcel, Parcel 4, and a fuel outlet on Parcel 3. Also, a nursery/garden center is being requested for location in the parking area of Woodlawn along Parcel 4. The nursery/garden center is a "Conditional Use" in "LC" when it cannot otherwise comply with outdoor storage and display requirements of the "LC" district. The request for a "Conditional Use" approval for the garden center is included as part of the C.U.P. amendment.

The Unified Zoning Code requirements of Section III-D.6.z for nursery/garden centers stipulates that they should be located on arterial streets or expressways, be screened when adjacent to residential zoning districts, and have display/storage areas within an enclosed building or screening fence (if required) or be adjacent to the building. Additionally, the display/storage areas should not be within 25 feet of the right-of-way or be located within required parking spaces. Other restrictions include: having lights shielded away from adjoining properties, prohibiting string lights, prohibiting sound projecting devices or loudspeakers that could be heard beyond the property boundaries, and prohibiting the outdoor repair or servicing of vehicles and equipment. A site plan is required that shows the location of structures, ingress/egress, off-street parking, loading, on-site circulation, and designates storage/display areas, as well as establishing other conditions MAPC deems necessary for the protection of adjacent property, and including the maintenance of property. The nursery/garden center would occupy approximately 0.24 acre, and be surrounded by a temporary fence enclosure that would not be chain link. The greenhouse would be 21' X 72" in size. The C.U.P. drawing does not provide a specific location for the greenhouse. Ingress/egress would be via the southern entrance to the C.U.P. The use would be restricted to operating no more than 120 days per calendar year.

In terms of changes to the sign provisions, the existing C.U.P. allows a maximum of seven monument-style signs, limited to 20 feet in height and 150 square feet in size. The amendment would replace this provision with standard sign code provisions, which would allow signs to be 25 feet in height and a maximum of 300 square feet in size. The total amount of signage would be based on 0.8 times the lineal frontage, which would be approximately 100 square feet more than currently permitted. The applicant has agreed to add language to require signs to be spaced a minimum of 150 feet apart regardless of parcel lines or ownership. Another provision that would be desirable is to prohibit building signs on the rear façades adjacent to the south and west property line.

The application area is currently vacant. There are single-family residences to the south and west that are part of Whispering Brook Subdivision. Enterprise car rental and Chisholm State Bank are located on the northwest corner of the intersection. These businesses are located within the jurisdiction of Bel Aire. The northeast corner has a Sonic and a Coastal Mart. The southeast corner, DP-128 Brush Creek C.U.P., is approved as a commercial/residential development. The parcels at the intersection are vacant, although one commercial parcel along Woodlawn is under development with a small commercial strip center. LaCrosse, a large apartment complex, is located to the east of the application area across Woodlawn.

At the District Advisory Board #I meeting held September 18, 2000, the Board heard comments from the applicant's agent and citizens. Approximately 10 neighborhood residents spoke to express concerns with drainage issues, traffic, the proposed changes in use, and concerns with screening, noise, and lighting for homes in proximity to the proposed Dillons. The Board discussed these concerns and provided input to MAPC.

At the MAPC meeting held September 21, 2000, several residents spoke expressing concern with traffic, intensity of development, drainage and storm water management issues. There was extensive discussion on access management concerns. MAPC voted (9-0) to approve the amendment to the C.U.P. subject to eliminating one requested opening on 37th Street North and eliminating one requested opening on Woodlawn.

A valid protest has been received from a property owner. This constitutes an appeal from an aggrieved person, which requires final action on the amendment by the City Council.



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Motion --  
-- carried

Rogers moved that the Council concur with the findings of the MAPC and approve Amendment #1 to DP-203 Whispering Brook C.U.P., subject to the recommended conditions. Motion carried 7 to 0.

ZON2000-00035

(Mayor Knight absent)

**ZON2000-00035 – ZONE CHANGE FROM SINGLE-FAMILY RESIDENTIAL TO NEIGHBORHOOD RETAIL AND GENERAL OFFICE, GENERALLY LOCATED ON THE WEST SIDE OF TYLER ROAD APPROXIMATELY 1/3 MILE SOUTH OF CENTRAL – 427 NORTH TYLER.** (District V)

Agenda Report No. 00-1037.

MAPC Recommendation: Approve “NR” for the northern 94.7 feet and approve “GO” for the southern 94.7 feet, subject to platting within 1 year and subject to a Protective-Overlay (13-0).

DAB #VI Recommendation Approve subject to Staff recommendations (9-0)

Staff Recommendation: Approve “NR” for the northern 94.7 feet and approve “NO” for the southern 94.7 feet, subject to platting within 1 year and subject to a Protective-Overlay.

The applicants are requesting “NR” Neighborhood Retail on two unplatted tracts of land located on the west side of Tyler Road approximately 1/3 mile south of Central. Each tract is 17,993 square feet in size. Combined, the application area is 0.83 acre. The applicants, Robert C. Nelson and Andy P. Stephens, own the southern tract and have a contract to purchase the northern tract. They have indicated they would like to construct a medical office on the southern tract and a retail optical outlet on the northern tract.

The applicants originally requested “NR” for the entire application area. However, the building being planned for the southern tract is approximately 5,000 square feet on the main level, with a 5,000 square foot basement. This would be 10,000 square feet of gross floor area, which would exceed the size limitation of 8,000 square feet for a single commercial use in “NR.” Therefore, they have changed their request to “GO” General Office for the southern tract in order to accommodate the larger building size. This revision can be incorporated into this application since “GO” is a less intensive zoning district than “NR.” However, there may be other limitations that restrict the size of the building. These would include compatibility setbacks along the south property line, landscaping along Tyler Road and the south property line, and parking requirements. Also, additional dedication of right-of-way on Tyler would be anticipated at the time of platting, which would further limit the size of the tracts.

The property is located immediately south of the entrance to Westlink Village Apartments, which is part of DP-9, Westlink Center. Most of the property north of the apartment complex entrance is zoned “LC” Limited Commercial, including an AutoZone and the shopping area at Westlink Center on the southwest corner of Central and Tyler. All corners of the Central and Tyler intersection are developed with a variety of retail uses. There is one house immediately north of the AutoZone that was rezoned in 1996 to “LC.” Three houses remain zoned “SF-6” between the AutoZone and the intersection, with two being currently offered “for sale.”

Wilbur Middle School is located across Tyler to the east. To the south, the property is zoned “SF-6” and is occupied by several residences. There is a drainage ditch along the west. The property beyond the drainage ditch and Wood Lane consists of single-family residences.

The northern tract, which adjoins the entrance to Westlink Village, is vacant. A single-family residence is located on the southern tract.

A protective overlay has been included in the Staff recommendations. The P-O would require the (1) the property be developed with buildings with a residential character; (2) the southern tract would be limited to “NO” Neighborhood Office uses; (3) freestanding signs would be monument-type with a maximum height of 10 feet; and (4) there shall be no point of access onto Tyler Road for the northern tract and one point of access for the southern tract.

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At the District Advisory Board meeting held September 11, 2000, the board voted to recommend approval subject to Staff recommendations. A neighbor, Kenneth Long, was present and spoke in opposition.

At the MAPC meeting held September 21, 2000, MAPC voted (13-0) to recommend approval subject to Staff recommendations. There were no citizens present to speak.

A valid protest petition has been filed representing 12.54 % of the property within 200 feet of the proposed rezoning. This protest does not invoke the ¾ majority vote by Council since it is below 20 %.

Motion --

Lambke moved that having reviewed the record of hearing before the MAPC and in accordance with Policy No. 10 of the MAPC previously adopted by this Board, and having reviewed the factors contained therein and the factors stated by the MAPC, that the zone change, subject to the additional recommended provisions of Protective-Overlay #79 and subject to platting within one year be approved; and the Planning Department be instructed to forward the Ordinance for first reading when the plat is forwarded to the City Council. Motion carried 6 to 0. (Knight absent)

-- carried

(Agenda Item No. 37)  
**ZON2000-00038**

(Mayor Knight present)

**ZON2000-00038 – ZONE CHANGE FROM SINGLE-FAMILY RESIDENTIAL TO LIMITED COMMERCIAL DISTRICT, LOCATED ON THE NORTHWEST CORNER OF MAPLE AND BEBE.** (District IV)

Marvin Krout

Director of Planning reviewed the Item

Agenda Report 00-1038.

|                        |  |
|------------------------|--|
| DAB-IV Recommendation: | Approve "NR" Neighborhood Retail with two access points from Bebe Street (6-0-1/Carraher abstained). |
| MAPC Recommendation:   | Approve "NR" Neighborhood Retail subject to platting within 1 year and to conditions (9-4).          |
| Staff Recommendation:  | Approve "NR" Neighborhood Retail subject to platting within 1 year and to conditions.                |

The applicants are requesting a zone change from "SF-6" Single-Family Residential to "LC" Limited Commercial on two platted lots containing less than a one acre (20,149 sq. ft.) located at the northwest corner of Maple and Bebe Streets. The applicants have not identified a specific use but plan to develop the property for retail uses. Currently the single-family house located on the application area is being rented and used as a residence. Access to the lots is from Maple, a four-lane arterial and a private drive off of Bebe, a residential street. There is one opening along Maple into the property.

The surrounding area has mixed uses with single-family residential uses to the west and north, retail uses to the east with the "Maple Street Mini Mall" and car wash further to the east that are zoned "LC" and the Towne West Shopping Center to the south that is zoned "LC." Currently, there is considerable commercial development taking place along Maple, progressing west of West Street.

The District Advisory Board (DAB) for District IV considered this request on September 20, 2000. The applicant stated that he would prefer "LC" Limited Commercial zoning for his property. According to the applicant, two access points are needed along Bebe since the proposed retail building will face east towards Bebe. The DAB Members voted 6-0-1 (Carraher abstaining) to recommend "NR" Neighborhood Retail subject to MAPD staff comments, to recommend two access points along Bebe and to close the access along Maple.

The MAPC considered this request on September 21, 2000 and were provided a memorandum from the DAB-IV meeting for review. Following considerable discussion, MAPC Members voted 9-4 to recommend approval of the "NR" designation. The four members who voted in opposition believed that the applicant should receive the "LC" zoning category since the area is being commercially developed and there was no neighborhood opposition.

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Although the applicant is requesting "LC" Limited Commercial, MAPD staff believes that the "NR" Neighborhood Retail zoning category would be more appropriate for the application area. The purpose of the "NR" retail district is to accommodate very-low intensity retail and office development and other complementary land uses that serve and are generally appropriate near residential neighborhood. The "NR" designation will serve as a buffer from more intense commercial uses to the east. Additionally, with a "NR" designation there is no need for a Protective Overlay that would have special conditions to prevent unwanted uses in the neighborhood. There is a wide range of commercial uses permitted with a "NR" zoning designation per the Wichita-Sedgwick County Unified Zoning Code (UZC).

There was one official protest petition submitted that represents 11.94% of the official notification area, short of the 20% that is required to trigger a supermajority vote on the City Council.

Motion --

Gale moved that having reviewed the record of hearing before the MAPC and in accordance with Policy No. 10 of the MAPC previously adopted by this Board, and having reviewed the factors contained therein and the factors stated by the MAPC, the zone change to Neighborhood Retail be approved, subject to the conditions of platting; and the Planning Department be instructed to forward the Ordinance for first reading when the plat is forwarded to the City Council. Motion carried 7 to 0.

--carried

(Mayor Knight absent)

**ZON2000-00037**

**ZON2000-00037 – ZONE CHANGE FROM MULTI-FAMILY RESIDENTIAL TO NEIGHBORHOOD OFFICE, LOCATED ON THE SOUTHEAST CORNER OF SECOND STREET NORTH AND TYLER ROAD.** (District V)

Agenda Report No. 00-1039.

MAPC Recommendation: Approve, subject to conditions (13-0).

DAB Recommendation: Approve, subject to staff recommendation (9-1).

Staff Recommendation: Approve, subject to dedication of complete access control along Tyler Road.

The applicant requests a zone change from "B" Multi-Family to "NO" Neighborhood Office on a 1.2 acre platted tract located at the southeast corner of 2nd Street North and Tyler Road. The site is currently developed with a single-family residence that has been converted into an office for the applicant's dental practice. The structure on the site has been damaged by fire, and the applicant proposes to raze the existing structure and redevelop the site with an office center to house the applicant's dental practice as well as offices for other professionals such as accountants, architects, attorneys, etc. The site's current "B" Multi-Family zoning permits offices for medical services but does not permit offices for other professions. Although the size of the proposed office center is not indicated in the application, a 1.2 acre site typically can support an office center of approximately 15-18,000 square feet.

The surrounding area is characterized by institutional uses to the north and single-family residential uses to the south, east, and west. The property immediately north of the site across 2nd Street North is zoned "SF-6" Single-Family Residential and is developed with Wilbur Middle School. The remaining properties surrounding the site are zoned "SF-6" Single-Family Residential and are developed with single-family residences. One single-family residence across Tyler Road is being used as a beauty shop, apparently as a home occupation.

At the hearing on September 21, 2000, the MAPC voted (13-0) to approve the request subject to the dedication by separate instrument of complete access control along the subject property's Tyler Road frontage except for the south 40 feet and cross lot access for the abutting lot to the south at such time that the lot to the south is developed with a non-residential use. There were no speakers, other than the applicant, for or against the request.

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Motion --

Lambke moved that having reviewed the record of hearing before the MAPC and in accordance with Policy No. 10 of the MAPC previously adopted by this Board, and having reviewed the factors contained therein and the factors stated by the MAPC, the recommendation of the MAPC be approved, subject to the condition of dedicating access control and cross-lot access; and the Planning Department be instructed to forward the Ordinance for first reading when the plat is forwarded to the City Council.

-- carried

Motion carried 6 to 0. (Knight absent)

**ZON2000-00040**

**ZON2000-00040 – ZONE CHANGE FROM MULTI-FAMILY RESIDENTIAL TO LIMITED COMMERCIAL, GENERALLY LOCATED NORTH OF 50TH STREET SOUTH AND WEST OF SENECA.** (District IV)

Agenda Report No. 00-1040.

MAPC Recommendation: Approve, subject to staff recommendation (12-0).

DAB Recommendation: Approve, subject to staff recommendation (6-0).

Staff Recommendation: Approve.

The applicant requests a zone change from “MF-18” Multi-Family to “LC” Limited Commercial on a 0.6 acre platted tract located north of 50th Street South and west of Seneca. The subject property is currently undeveloped but adjoins the applicant’s business (Dutch’s Greenhouse) along the south property line. The applicant proposes to construct a greenhouse on the subject property for the indoor storage of materials used for operations and sales. The “LC” Limited Commercial zoning district permits a greenhouse for wholesale and/or retail purposes by right. Greenhouses are included in the Unified Zoning Code definition of Agricultural Sales and Service.

The surrounding area is characterized by both commercial and residential uses with significant amounts of undeveloped property remaining. The property immediately south of the site is developed with Dutch’s Greenhouse on property zoned “GO” General Office and “LC” Limited Commercial. The property immediately north of the site is developed with a beauty shop on property zoned “NR” Neighborhood Retail. The remaining properties north and south of the site are zoned “SF-6” Single-Family Residential and are developed with single-family residences on unpaved streets. Several residential lots north and south of the subject property remain undeveloped. The property west of the site is undeveloped and is zoned “MF-18” Multi-Family. The property immediately east of the site across Seneca is zoned “MH” Manufactured Housing and is developed with a manufactured home park. The remaining properties east of the site are zoned “SF-6” Single Family Residential and are undeveloped.

At the hearing on September 21, 2000, the MAPC voted (12-0) to approve the request. There were no speakers, other than the applicant, for or against the request.

Motion --

Lambke moved that having reviewed the record of hearing before the MAPC and in accordance with Policy No. 10 of the MAPC previously adopted by this Board, and having reviewed the factors contained therein and the factors stated by the MAPC, the recommendation of the MAPC be approved, and the Ordinance be placed on first reading. Motion carried 6 to 0. (Knight absent)

-- carried

## ORDINANCE

An Ordinance changing the zoning classifications or districts of certain lands located in the City of Wichita, Kansas, under the authority granted by the Wichita-Sedgwick County Unified Zoning Code, Section V-C, as adopted by City of Wichita Code Section 28.04.210, as amended. Zon2000-00016

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## MAPC BYLAWS

### METROPOLITAN AREA PLANNING COMMISSION BYLAWS.

Agenda Report No. 00-1041.

In Article IV, Section 2. of the MAPC Bylaws, there are rules for the Chairman of the MAPC to follow in the appointment of Planning Commission members to a Subdivision or Advance Plans Committee. The two Committees are currently structured the same. They are each composed of six members, three from the City-appointed members and three from among the County-appointed members.

The current MAPC bylaws provide minimal flexibility for the committee appointments made by the Chairman. With fourteen members on the MAPC, the Chairman cannot accommodate all the Planning Commissioner requests to serve on the two committees with a combined twelve seats.

The recommended amendments to the MAPC bylaws are as follows:

- 1) Appoint all Planning Commission members to an Advance Plans or Subdivision Committee.
- 2) Subdivision Committee – Shall be comprised of seven members, with no more than four members who were appointed either by the City Council or by the County Commission.
- 3) Advance Plans Committee – Shall be comprised of seven members, with no more than four members who were appointed either by the City Council or by the County Commission.

The bylaw amendments were approved by the MAPC at their September 20 meeting.

Amendments to MAPC Bylaws require approval of the Wichita City Council and Sedgwick County Commission.

Motion -- carried

Lambke moved that amendments to the MAPC Bylaws be approved. Motion carried 6 to 0. (Knight absent)

## A 00-16

### A 00-16 – RESOLUTION ESTABLISHING A PUBLIC HEARING ON ANNEXATION OF ELIGIBLE PROPERTIES GENERALLY LOCATED SOUTH OF 55TH STREET SOUTH, FROM WEST OF SENECA TO THE EAST AND WEST OF GROVE. (Districts III and IV)

Agenda Report No. 00-1042.

A resolution establishing a future hearing date of December 19, 2000, for consideration of a unilateral annexation was approved. The properties proposed for annexation are located south of 55th Street South, from west of Seneca to the east and west of Grove. This is the third phase of a three-phase annexation. The first phase was officially approved March 31, 2000, and brought approximately 1,386 acres into the City. The second phase was approved on August 25, 2000 and brought 159 acres into the City.

The subject area consists of approximately 15 acres and 12 properties (1 platted and 11 unplatted). The land-use pattern consists of five (5) residential tracts, two (2) vacant or farm related tracts or reserves, and five (5) commercial tracts. The majority of the area is zoned "RR" Rural Residential and "SF-20" Single-Family Residential, with a small area zoned "GI" General Industrial. Those areas zoned "RR" and "SF-20" will convert to the "SF-6" Single-Family Residential district upon annexation (SF-10 if requested by property owner) while other properties will retain their existing zoning. All of the land proposed for annexation is located within the areas identified as "low-density residential" in the Land Use Guide Map in the 1999 Update to the Wichita-Sedgwick County Comprehensive Plan: Preparing for Change. The proposed area for annexation is also within the 2010 and 2030 Urban Service boundaries found in the 1999 Update to the Wichita-Sedgwick County Comprehensive Plan: Preparing for Change.

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The proposed annexation will allow for the continuation of the City's growth in the south part of Wichita. Although there are no properties in the annexation area currently being served by City of Wichita water, there are many valid water service petitions that have been submitted to the City Public Works Department. While some petitions have been approved and the projects are currently in the design stage, others are pending approval.

As for sewer, there are no properties in the proposed annexation area currently being served by the City of Wichita. These properties are currently served by private sewage disposal systems. There is a 60-inch sewer main located along 55th Street South running to the City's Sewage Treatment Plant No. 2, located to the northeast of the annexation area from which service could be extended.

To proceed with this annexation, the Council must adopt a resolution establishing a hearing date. Once the hearing date is established, a plan for extension of municipal services to the area will be placed on file in the City Clerk's Office. The Service Extension Plan outlines the City's intention to provide major municipal services to the area.

The total appraised value of the land and improvements proposed for annexation is \$232,150 resulting in an annual City Ad Valorem tax revenue of approximately \$1,123. Major municipal services to be provided to this area upon annexation are street maintenance, ditch cleaning, culvert cleaning, fire protection, police protection, building code enforcement, and health code enforcement. The operating departments currently delivering these services will fund them upon annexation. Major municipal services, such as local street improvements, water and sewer service, may be provided to this area upon request of the property owners. The cost of municipal services requested by the property owners will be distributed among the City at large and the benefiting property owners according to current City policies.

In the absence of an annexation request from a property owner, State law requires the adoption of a resolution by the City Council indicating the City's intent to annex, a description of the property to be annexed, and a notice of the time and place for a public hearing to consider the matter. Copies of the resolution must be sent (via certified mail) to all owners of the properties proposed for annexation within 10 days of adoption. Also, the resolution must be published once in the official City newspaper not less than one week and not more than two weeks prior to the public hearing date. A report stating the plans for the extension of municipal services to the proposed annexation area must also be placed on file for public inspection in the City Clerk's Office.

Motion --

-- carried

Lambke moved that the service extension plan be approved and the Resolution establishing a public hearing date on December 19, 2000, at 7:00 p.m. at the Machinist's Union Hall, 3830 South Meridian, be adopted. Motion carried 6 to 0. (Knight absent)

## RESOLUTION NO. R-00-371

A Resolution establishing a future public hearing on the annexation of eligible properties described as south of 55th Street South, from west of Seneca to the east and west of Grove, to the City of Wichita, Kansas, presented. Lambke moved that the Resolution be adopted. Motion carried 6 to 0. (Knight absent) Yeas: Cole, Gale, Lambke, Martz, Pisciotte, Rogers. A-00-16

**A 00-19**

### **A 00-19 – REQUEST TO ANNEX LAND GENERALLY LOCATED AT THE NORTHWEST CORNER OF 21ST STREET NORTH AND 127TH STREET EAST.** (District II)

Agenda Report No. 00-1043.

The City has received a request to annex approximately 30 acres situated at the northwest corner of 127th Street East and 21st Street North. The southern and western boundaries of the site abut the current City of Wichita Limits. The property owner is planning to build a school and church on the site. The staging of development has been planned in two phases with 100% of development to be completed next year.

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Land Use and Zoning: The annexation site consists of one (1) undeveloped contiguous tract of land zoned "SF-20" Single Family Residential. Land to east of the site is in agricultural production and is zoned "SF-20" Single Family Residential and "LC" Limited Commercial. Land north is vacant and zoned "RR" Rural Residential. Land west and south is zoned "SF-6" Single Family Residential. A church is located west of the site and vacant property is located south. Upon annexation, the "SF-20" Single Family Residential zoning of the subject property will convert to "SF-6" Single Family Residential.

Public Services: The City Water and Sewer Department indicates that the subject property proposed for annexation will likely connect to an existing 36" water main along 21st Street North. As for sewer, it is anticipated that a 15" main will be extended east from a stub at 21st Street North and north to the north line of the property. The estimated cost to the City is \$50,000.

Street System: The property proposed for annexation will have access to 127th Street East, an unimproved road, which serves the area as the nearest major north-south road, and 21st Street North, a 4-lane arterial, which serves the area as the nearest major east-west road. Currently, there are no plans to further improve that portion of 127th Street East or that portion of 21st Street North in the City of Wichita 2000-2009 C.I.P. or the 2000-2004 Sedgwick County C.I.P.

Public Safety: The Wichita Fire Department can serve this site within a five (5) to six (6) minute approximate response time from City Station #18 located at 2808 North Webb Road. Upon annexation, police protection will be provided to the area by the Patrol North Bureau of the Wichita Police Department, headquartered at 3015 East 21st North.

Parks: Chisholm Greenway, a 10-acre Recreation Corridor, is located approximately ½ mile west of the proposed site. The Wichita-Sedgwick County Parks and Open Space Master Plan shows two potential park sites that could serve this area. One located approximately one-mile northwest of the site, and the second located approximately one-mile southeast of the site.

School District: The property is located in Unified School District 259 (Wichita School District). Annexation will not change the school district.

Comprehensive Plan: The property is also located within the 2010 urban service area, as depicted in the 1999 Update to the Comprehensive Plan, recently adopted by the City Council and the County Commission.

The plat for the proposed property was approved by MAPC on May 25, 2000. The agricultural appraised value of the property is \$2260, and the total assessed value of the property is \$678. The applicant projects an overall appraised value of \$10,412,5000 when development of the first phase, the school, is completed. The second phase of development, the church, is estimated to add an additional \$6,000,000 to the overall appraised value. However, the proposed development of the school and church will be tax-exempt.

The property is eligible for annexation under K.S.A. 12-520.

Motion --  
-- carried

Lambke moved that annexation be approved and the Ordinance be placed on first reading. Motion carried 6 to 0. (Knight absent)

## ORDINANCE

An Ordinance including and incorporating certain blocks, parcels, and tracts of land within the limits and boundaries of the City of Wichita, Kansas, introduced and under the rules laid over. A 00-19

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(Mayor Knight present and in the Chair)

## EXECUTIVE SESSION

Motion -- Knight moved that the Council recess to executive session to consider consultation with legal counsel on matters privileged in the attorney/client relationship relating to pending litigation and legal advice; and preliminary discussions relating to the acquisition of real property for public purposes; and return from executive session no earlier than 12:35 p.m. Motion carried 7 to 0.

-- carried

RECESS The City Council recessed at 11:32 a.m. and returned at 12:45 p.m.

Mayor Knight Mayor Knight announced that no action was necessary as a result of the executive session.

ADJOURNMENT The City Council meeting adjourned at 12:45 p.m.

Pat Burnett CMC  
City Clerk